

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, August 3, 1999, at 7:00 p.m.

Present:

Vincent Villella,	Supervisor
James Lull,	Councilman
Philip Cardinale,	Councilman
Mark Kwasna,	Councilman
Christopher Kent,	Councilman

Also Present

Barbara Grattan,	Town Clerk
Adam Grossman, Esq.,	Town Attorney

Supervisor Villella called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited, led by Robert Haizlip.

Supervisor Villella: "Thank you, Robert. All right. Why don't we start? Rick, do you want to bring everybody down?"

Lieutenant Boden: "Okay. We don't want to take up any more time than we have to, we have a pretty busy agenda. But in case you didn't know it, tonight is National Night Out. The 16th annual National Night Out and the Riverhead Police Department and our neighborhood watch has been involved in National Night Out for the inception.

Every year-- this is the first Tuesday of August-- we get together and we have our neighborhood watch groups, block parties. Tonight we have 10 block parties that we are going to. We have two groups going out (inaudible) and we have our biggest supporters of National Night Out-- we have been our biggest supporters for the last 10 years. Mr. Bob Donegan and Schwing Electric (phonetic). So they go out with us every year. They supply all the neighborhood children with nice little prizes and balloons. They do light blubs and light fixtures because one of the biggest things in crime prevention is a well lit neighborhood so we try to encourage that.

And we try to-- the whole idea of National Night Out is to try and get the neighbors out on a nice evening, getting to know each other, and to show everybody that, you know, there's unity and that

crime is not going to take a foothold in their neighborhoods and if you watch the news, you listen to the national reports and the local reports, I think it's finally taken effect, crime is down all over the place.

So, it's working and we encourage everybody to get out tonight. If you have a neighborhood watch where you are, go out and take a walk.

Part of the things that we do also, every year we do a poster contest and the poster contest is for the summer recreation program. We do two groups and Mr. Donegan and Schwing Electric are kind enough to supply prizes for the poster winners for each group.

So what we're going to do now is bring up the groups, the prize winners with their families. Okay. Mr. Villella said the families should come up also. All right. I'll call your name up and if you are here-- I think everyone is here-- you can come on up and see Mr. (inaudible) and shake hands with the Town Board members. You did a nice job. I heard they were hanging up somewhere-- they're right here."

Supervisor Villella: "Beautiful job."

Lieutenant Boden: "Okay. All right. So the first group that we're going to do is the five to eight year old group. The first winner is Sarah Strickland. Would you come up?"

Supervisor Villella: "Have a big family picture here. Everybody up here."

Lieutenant Boden: "Second place in the five to eight year old group is Kimberly Stevens. Kimberly Stevens. Kimberly, I think, also has a sibling that also won this. Two family winners. And third place in the five to eight year old group is Isabella Szlejter. All right. If you guys would stand over here and we'll do the nine to twelve year old group over here.

First place in the nine to twelve year old group is Kyleen Vernon. Second place in the nine to twelve group is Adrianna Stevens. And third place in the nine to twelve group is Eugene Barrow.

Supervisor Villella: "One big happy family up there."

Lieutenant Boden: "Great job by everybody."

Councilman Lull: "We have a proclamation tonight and just before we start, I just want to mention to anybody not necessarily here but to a great extent those people out there. Lieutenant Boden has already mentioned that there are a lot of neighborhood watch groups in town, lots of parties going on tonight, block parties that are neighborhood watch parties. Anybody who would like to begin a neighborhood watch program, it's a great idea. We are in the process of starting one in my neighborhood. And everybody has been very helpful.

If you'd like to do that, you can contact Lieutenant Boden at police headquarters, you can contact PO James Wooten at headquarters or you can call Town Hall and contact myself. Any one of us-- we can begin the process of starting a neighborhood watch for you. It's a great program.

Proclamation:

WHEREAS, the Riverhead Town Board wishes to recognize the 16th Annual Night Out to be held in our community;

WHEREAS, on Tuesday, August 3rd, the Crime Prevention Unit of the Riverhead Police Department in conjunction with the National Association of Town Watch will sponsor America's Night Out Against Crime in the Town of Riverhead; and

WHEREAS, between the hours of 7 and 10 p.m. on August 3rd, residents in neighborhoods throughout Riverhead will host a variety of special events such as visits from the police, hopefully voluntarily, flashlight walks, contests, youth activities and anti-crime and drug rallies; and

WHEREAS, this is an ideal opportunity for our residents to heighten crime and drug prevention awareness, strengthen neighborhood spirit, and police/community relations and send a message to criminals letting them know our neighborhoods are organized and fighting back, that there are more of us than them.

NOW, THEREFORE-- "

Supervisor Villella: "Thank you, Phil.

I, Vincent G. Villella, the Supervisor of the Town of Riverhead, do hereby proclaim August 3, 1999 to be the 16th Annual Night Out."

Bob Donegan: "Thank you very much. We love supporting the community. We're happy to give something back in the area that we live in, work in (inaudible). We look forward to doing it for many more years to come. Thank you."

Supervisor Villella: "Thank you."

Lieutenant Boden: "We have for the Town Board for their support for crime prevention in the Town of Riverhead and for all our neighborhood watch because they give us a lot of support and it's a big thing because we need all the help we can get to make Riverhead a lot safer place. And I think we're doing it."

It's the official Night Out t-shirt, there's one for all of you gentlemen. Thank you very much."

Supervisor Villella: "Thank you. Okay."

Councilman Cardinale: "Are these parties tonight, the National-- "

Supervisor Villella: "Yes. Oh, yes."

Councilman Kent: "I think we should-- "

Supervisor Villella: "All over town. So after we leave here we are going to hit one."

Councilman Cardinale: "Why are we here now if they're having parties?"

Supervisor Villella: "They're going to the parties now. All right. We have to approve the minutes of July 20th."

Councilman Lull: "So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes;

Villella, yes. The minutes are approved."

Supervisor Villella: "Barbara, can you please read the Reports?"

REPORTS:

Town Clerk	Monthly report for July, 1999 \$11,391.75
Building Department	Monthly report for July, 1999 \$76,382.58
Sewer District	Discharge monitoring report for June
Police Department	Monthly report for June
Recreation Department	Monthly report for May and June of 1999
Open Bid Reports	Building materials which was opened on July 26, 1999 at 11:00. No bids were received First Responder on July 26th at 11:10. Two bids were received, one from PL Custom and two, from Odyssey Automotive Sanitation bids on July 30, 1999 4:00 p.m. details in the Town Clerk's office

Supervisor Villella: "Thank you, Barbara. Can you please read the Applications?"

APPLICATIONS:

Exhibition Permit	Max A. Gomez - Mexican Independence Day festival
Parade Permit	Rev. Oliver Miles assembly at 47 West Oakland Drive, Riverhead

Exhibition Permit

Joseph Cobis block party for
Prospect Place

Supervisor Villella: "Can you please read the Correspondence?"

CORRESPONDENCE:

Eugene LaFurno
162 Founders Path
Baiting Hollow

Dangerous conditions for children
at Founders Path and Landing Lane

Ann Frische

Letter regarding the poor drainage
on Remsen Road in Wading River

Milton Gnatowsky

Letter supporting the construction
of the Home Depot Shopping Center

Helga Guthy

Letter regarding the pruning being
done along the roadways

Petition

Petition with a total of 65
signatures opposed to the construc-
tion of Sunken Pond Estates

Postcards

30 postcards opposing a community
airport at Calverton

Barbara Grattan: "That concludes Correspondence."

Supervisor Villella: "Thank you, Barbara. Is there any
committee reports?"

Councilman Cardinale: "The Route 58 Committee is having a
special meeting on Thursday at 7:00 with the County Department of
Public Works. Anyone is interested is invited. It will be in this
room or the Supervisor's office, depending on which room we can get.

And for those of you who are wondering, the Cablevision franchise
renewal committee and contract are actually going to produce a draft
and deliver it to Cablevision within the next week or two, so we may
have a new franchise agreement if they agree to our requests. That's
it."

Supervisor Villella: "Any other Committee reports?"

Councilman Kent: "The Farmland Select Committee is happy to announce that this Friday we'll be-- the Town will be closing on the purchase of some development rights from the Richard M. Reeve family up on Sound Avenue. We'll be purchasing approximately 60 acres of development rights from farm that's been-- property that's been farmed for a few generations. So I'm proud to announce that from the Farmland Select Committee."

Supervisor Villella: "I'm glad you announced it, too. Thanks a lot for working on that, Chris. Anything else, guys?"

Councilman Lull: "Just from the Neighborhood Watch Committee. Everybody knows what they're out doing tonight."

Supervisor Villella: "If not, we'll go into the public hearings."

Public Hearing opened: 7:26 p.m.

Supervisor Villella: "Let the record show that the time of 7:26 has arrived. Would you please read the public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York at 7:05 p.m. on August 3, 1999, to hear all interested persons who wish to be heard regarding the consideration of an amendment to Chapter 108 entitled Zoning of the Riverhead Town Code (Wireless Communication Towers and Antennas)."

Adam Grossman: "We have a public hearing this evening regarding changes to one of our existing chapters in our code. This is 108, our zoning code, Subsection 213. This is our wireless communication towers and antennas ordinance which was adopted last year.

The purpose of this public hearing is to have some minor revisions made and I just want to specify them on the record.

Under Section 108-213, Subsection D1, we are changing the following paragraph: Amateur radio station operators-- removing receive only-- and just stating radio station operators, antennas and/or towers which are owned and operated by a federally licensed amateur radio station operator.

The purpose of this change is to make certain that ham radio operators or amateur radio operators are excluded from this particular chapter.

Under Section 108-216, uses subject to special permit requirements. We have some changes later on-- I'll go through them each individually. Under 216 B-1-- B-1b, we have a couple of typographical corrections. A change under 108-216 B-2-2, eliminating the Zoning Board of Appeals and referring this to the Town Board. In fact, it was never the intention when this was adopted this these particular applications go through the Town Board.

A correction that a 100% rather than 150% height requirements on the towers and elsewhere in that subsection which is 108-216-2-b-4, 5, 6, 7, elimination-- removal of Zoning Board of Appeals and replacement with Town Board because that, in fact, was adopted with that language in error."

Supervisor Villella: "Thank you, Adam. Anyone like to speak on this public hearing? George, you're a little hesitant. I don't know. George-- Adam, sorry, George doesn't know what's going on."

Adam Grossman: "Okay."

Supervisor Villella: "Help him out."

Adam Grossman: "Sure. George, these are just some minor changes to the Wireless Communications Towers and Antennas chapter. What had been intended I believe by the Town Board when it was adopted last year is that this Town Board could be able to determine where towers are to be constructed in the Town of Riverhead.

We wanted to make certain that they were only constructed in areas that were not residential, that is, that they only be constructed in areas that are either commercial or business areas of town and that, in fact, that we give special permit approval to erection of towers and antennas.

Previously the Town Code did not address this issue especially because of the use of cellular telephones these days. Towers are becoming more and more in demand and because of that, the Town Board felt it appropriate to adopt legislation to regulate where antennas are erected within the Town of Riverhead.

These changes that we are talking about with this amendment tonight, just really define that particular chapter, clean up some language and exclude ham radio operators, amateur operators who by federal law are exempt from any local regulation of this particular chapter related to towers and antennas. That's pretty much the subject of the public hearing, George. And, George, maybe you want to come up to the podium if you want to ask questions."

George Schmelzer: (Inaudible)

Supervisor Villella: "George, we can't take it until you-- "

Adam Grossman: "It won't get on the record."

Supervisor Villella: "The third seat, that's your seat. I know you always sit there."

George Schmelzer: "If you happen to have a water tower in a residential area, that means you can't put one of those towers on a water tower or is the Town exempt?"

Adam Grossman: "What's going to happen is any existing towers or--"

George Schmelzer: "I didn't ask you that. If somebody wants to put a tower on a water tank which is in the middle of a residential area, do you allow it?"

Adam Grossman: "If it's private, they would have to-- "

George Schmelzer: "No, no, no. I didn't say Town water. I'm talking about Town water. You have a Town water tank in the middle of a residential area, will you allow a radio tower to be put on it?"

Adam Grossman: "The Town itself-- if it's Town property, the Town-- "

George Schmelzer: "Oh, Town exempt. Do as I say, don't do as I do, huh. Same system."

Supervisor Villella: "You led yourself right into that one, Adam. We saw that one coming."

George Schmelzer: "Do as I say, but don't do as I do. Just

what I expected."

Councilman Kent: "George, are you referring to existing towers or new towers?"

George Schmelzer: "If there's a water tank-- "

Councilman Kent: "An existing tank or a new tank?"

George Schmelzer: "An existing tank."

Councilman Kent: "Existing tanks are grandfathered."

George Schmelzer: "You-- because it's Town property, you allow it. Private you won't. That's what I mean."

Supervisor Villella: "No, we let private ones. We helped out with Baiting Hollow camp. Boy Scout camp."

Councilman Kent: "You can locate these antennas-- I don't know if you know the technology today. It doesn't-- many of these don't require towers. They just require small antennas to be placed on existing towers. We're trying to encourage these antennas to be located on existing towers within the Town. That would limit the construction of any new towers in the Town. And I know sometimes it's a waste of time to respond to your questions, because you're just setting us up for another comment."

George Schmelzer: "Well, you just said it's being more popular cellular radios so you need more towers."

Councilman Kent: "Not necessarily. There's plenty of existing towers that can locate these antenna upon them. So-- "

George Schmelzer: "Then let-- why don't you let the people decide for themselves. Maybe if we have a surplus of food it means there are too many farms?"

Councilman Kent: "I don't understand."

George Schmelzer: "There are too many stores. Too many lawyers in town. Know that. Yeah, okay."

Supervisor Villella: "Thank you, George."

0 - to 5,000	January 1, 2000
5,001 to 8,000	January 1, 2001
8,001 to 15,000	January 1, 2002
15,001 to 22,000	January 1 2003
22,001 or more	January 1, 2004

And that is the Article."

Supervisor Villella: "There's some water for you, you did very well."

Councilman Cardinale: "Adam, if we pass this legislation, it's not necessarily ensure that we get every one of the things that you read, definitions, adult book store, adult drive in theater, adult entertainment? I'm kidding. It doesn't necessarily mean that we are going to get one of them. It just means that we're defining them. And did you explain to the public why we got into this in the first place? The reason being that our present situation would put us in a far worse condition than we are now."

Adam Grossman: "That's correct. Currently we have nothing in the books to prevent adult uses of all the types and more mentioned in this Article from legally being able to operate in the Town of Riverhead. And, in fact, if tomorrow morning we had a dozen different applications for all the above uses I just listed, there would be ~~nothing we could do in this Town government to stop those uses from~~ being grandfathered in and being opened up legally in the Town of Riverhead."

The purpose of this legislation is to be able to curtail these types of activities and to leave it to the discretion of the Town Board or the Zoning Board of Appeals if there are special situations-- a special situation exists so that these uses will be narrowly tailored if they are allowed at all anywhere in the Town of Riverhead."

Councilman Kent: "Also, I think it's important to note that by ~~providing these uses in a certain district within the Town, we are~~ complying with constitutional law that allows them to be located somewhere in Town. If we leave it the way it is now, someone could come in and challenge our-- the Town's denying them to be located anywhere in Town. So by limiting them to one zone, which I think we're limiting it to the zone that has the least number of pieces of property remaining vacant within the Town. So I think we're doing the

best we can to limit these uses to a certain zone."

Councilman Cardinale: "And I understand you can only have one use on one location and each use must be a half mile apart. You are going to have to be a good walker, too, if you're interested in any of these particular uses."

Adam Grossman: "Right. We don't want to see a cluster of a whole bunch of these uses in the same location."

Councilman Cardinale: "And walking-- "

Adam Grossman: "That's correct."

Supervisor Villella: "Ann?"

Ann Miloski: "Well, I'm a little concerned because you just changed from Industrial C to Industrial A, all the property in Calverton so there is a lot of industrial property and are all these adult places going to end up in Calverton?"

Supervisor Villella: "We hope we don't have any."

Ann Miloski: "And a half a mile apart is not far apart. That could go from Edwards Avenue to Fresh Pond Road and we can have dozens of them. So I think-- and the other part, the 500 feet away from any other district, I don't think that's far enough. That's pretty close."

Councilman Kent: "We might be able to change that. That's actually a good suggestion about the distance from another district."

Ann Miloski: "Especially being that, you know, we have lots of property and, you know, farmers have a lot of property. So I think that should be at least a little bit more than 500 feet."

Adam Grossman: "Okay. And, I'm listening to your concern, Ann, and Chris' concern that we go ahead and tinker with this chapter. This chapter, the way it's written with industrial districts, has been validated by the courts. If I change this at all and we adopt it, I cannot say to this Board that it's going to survive a legal challenge. That's my concern."

Ann Miloski: "Even with how far apart?"

Adam Grossman: "Even how far apart. I can't guarantee-- what could happen is that this gets invalidated. We have a dozen applications just like I said and then they are all grandfathered because this gets overturned. That's what I'm concerned about. But I do understand your concerns and maybe there's a way we might be able to-- "

Supervisor Villella: "We can check with other-- Attorney General's Offices."

Councilman Cardinale: "Adam, you have it allowable in any Industrial district."

Adam Grossman: "Yes."

Councilman Cardinale: "Will you have more than one type of Industrial district?"

Adam Grossman: "We have two. We have A and B."

Councilman Cardinale: "Would it be possible to limit it to one type-- one of the Industrial districts only?"

Adam Grossman: "I suppose we could do anything we want but I can't guarantee that limitation won't be considered by a Court to be so narrow as to eliminate the ability of any of these adult uses. I will tell you that the Town of Babylon did exactly this, eliminated just Industrial, and it survived a court challenge. If we further limit it to Industrial B or Business A or anything else, I can't say that it isn't going to-- "

Councilman Kent: "We might be able to discuss with counsel who represented Babylon what limitations we might be able to craft into this."

Adam Grossman: "Any other limitations-- we can-- I can look into that. Okay. But I can't guarantee that even if, in fact, there's nothing on the books currently, nothing in the courts that overturned it, that it still won't be overturned tomorrow."

Councilman Kent: "Okay. That makes sense."

Supervisor Villella: "Anyone else like to speak before George comes up? George?"

Councilman Kent: "The final word on every issue."

Supervisor Villella: "Give us your-- we need his blessing."

George Schmelzer: "Minors because of age, why not give the age? Why don't you mention the age?"

Adam Grossman: "Well, I think there is actually State law that determines who's a minor."

George Schmelzer: "Well, why don't you mention it? You leave that stuff out. You are talking all the time referring to minor because of age, you never mention what age. What age is it?"

Adam Grossman: "Well, just an example-- George, just an example why we don't want to do that. Maybe that the legal age of minors may be changed by the State of New York."

George Schmelzer: "Well, why don't you put legal age in? Minor. What is it? You don't know, huh."

Adam Grossman: "We can say minors of legal age."

Councilman Kent: "No, we know what it is but what he's saying is if the age of a minor changes from let's say 18 to 21 or 21 to 18, it's going to be-- it's going to change our law. If we set an age, then it will always be that age. And you know what? You're old enough. You're old enough to go. So you don't have to worry about it."

George Schmelzer: "I think you're bald enough, too."

Supervisor Villella: "Oh. Deputy Supervisor, you don't insult him like that, George."

George Schmelzer: "Well, he can join the Marines."

Councilman Kent: "There's only a few good heads out there and those are the ones that are (inaudible)."

Supervisor Villella: "All right, George."

George Schmelzer: "No, wait a minute."

Supervisor Villella: "Stick to the public hearing."

George Schmelzer: "Yeah, okay."

Supervisor Villella: "You forgot what it was."

George Schmelzer: "The Marines can join at 17. You call them minors?"

Councilman Kent: "Yes."

George Schmelzer: "Yeah?"

Councilman Kent: "But they usually have fake ID."

George Schmelzer: "They're good enough for that but not for this, huh? They can listen to all you want to on TV and Internet, that's all right. What are you going to do about that? Not a damn thing. This is all nonsense, really."

Supervisor Villella: "It's just protecting us."

George Schmelzer: "Really, it's nonsense."

Councilman Kent: "George, you own some industrial property. You can open a nightclub if you'd like."

George Schmelzer: "I don't care about nightclubs."

Councilman Kent: "Or an adult cabaret."

George Schmelzer: "Why don't you open one up?"

Councilman Kent: "I don't have any industrial property."

George Schmelzer: "Well, buy some in Grumman and open one up there. Maybe that would be the only useful thing the Town will ever do."

Supervisor Villella: "Thank you, George."

George Schmelzer: "You're welcome."

Supervisor Villella: "For your words of wisdom."

George Schmelzer: "Wisdom, huh?"

Supervisor Villella: "Okay, anyone else like to speak on this public hearing? If not, the time is 8:48. I declare the public hearing closed. 7:48."

Public Hearing closed: 7:48 p.m.

Councilman Kent: "That's it. No more public hearings, right?"

Supervisor Villella: "That's it. Okay, now we're going to start the public comment on any resolution tonight. The public is welcome. Go ahead, George. You're on a hot streak."

George Schmelzer: "Looks like the Supervisor and one of the Councilmen are in the hot seat here. Got to go to federal court. What happened? Represent the Supervisor and Councilman at US District Court. What's the trouble?"

Councilman Kent: "We're all being represented. We're being sued. We've been named as parties in litigation."

Councilman Lull: "That's a spelling mistake, George."

George Schmelzer: "It says Councilman; it didn't say Councilmen."

Councilman Lull: "No, George, it's a spelling mistake. It should be "en"."

George Schmelzer: "Oh, I see. Well, what did you do wrong that you have to go to court over? What happened?"

Councilman Kent: "We believe we've done nothing wrong."

George Schmelzer: "Well, what are you accused of?"

Adam Grossman: "George, this was a lawsuit filed by a former employee of the Town in Federal District Court against the Town Board or five members."

George Schmelzer: "How about the next one? Same thing?"

George Schmelzer: "You're very welcome."

Supervisor Villella: "Third seat. Steve? Didn't you see that coming?"

Steve Haizlip: "Steve Haizlip of Calverton. I am glad to hear that you are going to be selective to locate the towers. I'll give you a for instance. When the tower was put on D'Lalio's farm. At first there was consideration that it was going to be on the roadbank. So we didn't exactly go for that so then after a couple tries, I think the fellow got-- the lawyer for them, decided that to get it back into the woods, way off the road, which wouldn't be a sightly (inaudible) of the road, it was acceptable. So the way Adam was talking, there's going to be like a selective location, not to put these things right by people's houses or roadways so they get them kind of in isolated areas and so forth. So that's good."

Supervisor Villella: "Thank you, Steve."

Steve Haizlip: "Thank you."

Supervisor Villella: "Anyone else like to speak on this public hearing? If not, the time is 7:33. I declare the public hearing closed."

Public Hearing closed: 7:33 p.m.

Public Hearing opened: 7:34 p.m.

Supervisor Villella: "Let the record show the time of 7:34 has arrived. Would you please read the public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York at 7:10 p.m. on August 3, 1999, to hear all interested persons who wish to be heard regarding the consideration of a Local Law to amend Chapter 108 entitled Zoning (adding Article XXXXII - Adult Use District) of the Riverhead Town Code."

Adam Grossman: "Thank you, Barbara. This public hearing is regarding an addition of a subchapter to our Zoning Code, Article

XXXXIII - Adult Use District, to the Zoning Code which is Chapter 108. The purpose of this public hearing is to have input on an addition of a chapter-- on the subchapter which limits where adult uses can be located within the Town of Riverhead. There may be some who would prefer that there not be any adult uses located anywhere in the Town of Riverhead, including some here on this end of the podium. However, unfortunately, we cannot. We are prohibited by State law to prohibit altogether all adult uses within the township.

The only way we can have control over where adult uses are located in the town is to limit rather than eliminate adult uses altogether.

Currently in the Town Code, there is no chapter which addresses adult uses. We want to make sure-- on the Town Board and myself-- that we have control over what adult uses are allowed and where. It is only under the most narrow circumstances that we are to permit adult uses and I will also ask that this Chapter as proposed has already withstood court challenges to its validity and I believe will survive any court challenge that may take place and that was certainly a great concern of mine in proposing this legislation.

So, the purpose of tonight's public hearing is to get public input on this narrow use-- this narrow subchapter on adult use districts which limits adult uses only to industrial districts and only under a limited set of circumstances."

Supervisor Villella: "Thank you, Adam. Anybody-- Sal? We'll get to you, George."

Sal Mastropolo: "Sal Mastropolo, Calverton. Are you going to read the paragraph that you're going to add to because we'd like to understand the limitations."

Adam Grossman: "Sam, it's not a paragraph. It's about three pages long. I'd be happy to read the whole thing into the record if you'd like."

Sal Mastropolo: "Well, I think there's other people in the audience that would like to hear it also."

Barbara Grattan: "Do you want to make copies?"

Adam Grossman: "Do you want me to read it?"

Supervisor Villella: "Yes. Just read it."

Adam Grossman: "Okay. I want to read the whole thing in the record-- "

Supervisor Villella: "Unless they want to read it themselves."

Adam Grossman: "Well, I'm going to read the whole thing into the record. If you all want to bear with me for a couple minutes, I'll go ahead and do this.

Article XXXXII - Adult Use District

Under Section 108-222. Uses allowable as special exception; findings and intent.

A. Adult uses shall be allowable in any industrial district only as a special exception by the Town Board.

B. Purposes and considerations.

(1) In the execution of this Article, it is recognized that there are some uses which, due to their very nature, have serious objectionable characteristics. The objectionable characteristics of these uses are further heightened by their concentration in any one(1) area, thereby having deleterious effects on adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods or land uses.

(2) It is further declared that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town of Riverhead.

(3) These special regulations are itemized in the Article to accomplish the primary purposes of preventing a concentration of these uses in any one (1) area and restricting their accessibility to minors.

Section 108-223. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ADULT BOOK STORE - An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, films, slides and videotapes and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

ADULT DRIVE-IN THEATER - A drive-in theater that customarily presents motion pictures that is not open to the public generally but excludes any minor by reason of age.

ADULT ENTERTAINMENT CABARET - A public or private establishment which presents topless dancers, strippers, male or female impersonators or exotic dancers or other similar entertainments and which establishments are customarily not open to the public generally but excludes any minor by reason of age.

ADULT MOTEL - A motel which is not open to the public generally but excludes minors by reason of age or which makes available to its patrons in their rooms films, slides shows or videotapes which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.

ADULT THEATER - A theater that customarily presents motion pictures, films or videotapes or slide shows that is not open to the public generally but excludes any minor by reason of age.

ADULT TATTOO PARLOR - An establishment having as a substantial or significant portion of its stock-in-trade providing tattoos and which establishment is customarily not open to the public generally but excludes any minor by reason of age.

PEEP SHOW - A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

Section 108-224. Restriction on location of adult uses.

The adult uses as defined in Section 108-223 above are to be restricted as to location in the following manner in addition to any other requirements of this Code.

A. Any of the above uses shall not be located within a five

hundred foot radius of any area zoned for residential use.

B. Any of the above uses shall not be located within one half mile radius of another such use.

C. Any of the above uses shall not be located within a five hundred foot radius of any school, church or other place of religious worship, park, playground or playing field.

Section 108-225. Conditions for waiver of restrictions.

The restrictions enumerated in 108-224 above may be waived by the Zoning Board of Appeals if the applicant shows and the Board finds that the following conditions have been met in addition to the general conditions contained in this chapter:

A. The proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and interest of this Article will be observed.

B. The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and

C. Fifty one percent (51%) or more of the property owners within the restricted area as defined in 108-224 have signed a petition stating that they have no objection to the establishment of one of the uses defined above.

Section 108-226. Density of adult uses on lot.

No more than one (1) of the adult uses as defined above shall be located on any lot.

Section 108-227. Termination of legal nonconforming uses.

By amortization, the right to maintain a legal nonconforming adult use shall terminate in accordance with the following schedule:

Amount of Capital
Investment as of
The Effective Date
of this Article

Date Before
Which Use
Shall Terminate

Adam Grossman: "It's related to the same thing. Different town members are being represented by different firms."

George Schmelzer: "Oh. What about nominating parcels to the Suffolk County Greenways? Where's that?"

Councilman Kent: "Which number is that again?"

George Schmelzer: "734."

Councilman Kent: "I'll explain it."

Supervisor Villella: "Okay, Chris. You can handle it. That's your baby."

Councilman Kent: "George, we have a Farmland Committee in the Town of Riverhead that also serves as the Open Space Preservation Committee."

George Schmelzer: "Yeah."

Councilman Kent: "These properties identified in this resolution have all voluntarily-- the property owners have all voluntarily come forward and asked that their property-- the development rights of their property be purchased."

George Schmelzer: "Because they own stuff they couldn't do anything with it? You harass them so they can't use it. You give them no alternative. That's what it is?"

Councilman Kent: "They're all farmers. They're all farmers and they wish to continue to farm their property. And they don't want to develop it."

George Schmelzer: "Well, they're getting like a bunch of welfare bums, the farmers are."

Councilman Kent: "Well, I wouldn't say that."

George Schmelzer: "Well, I'll say it."

Supervisor Villella: "You said it, George."

George Schmelzer: "Yeah."

Supervisor Villella: "Okay."

Councilman Kent: "Anything else?"

Supervisor Villella: "What other resolution would you like to speak on?"

George Schmelzer: "Well, you should be clear on what it is."

Councilman Kent: "Well, if you looked at the resolution, the properties are identified."

George Schmelzer: "Are they going to farm the land? Is it going to be a greenway at the same time?"

Councilman Kent: "No. That's the name of the county program where they funded \$62,000,000 for the acquisition of property and/or development rights."

George Schmelzer: "Why do they call it greenway for when it isn't? That's just a-- to misrepresent?"

Councilman Kent: "Talk to-- you can talk to your county representative about that."

George Schmelzer: "Well, you put it in here. I didn't put the thing in here."

Councilman Kent: "Well, we didn't name the program; they named the program."

Councilman Cardinale: "I think George is-- you know, we had the same discussion at the work session, exactly what you're saying. I understand the confusion. There's two programs. One's a greenway program along the river there. This is not it. This is just a farmland acquisition program that the county decided to name greenway so they could confuse everybody else who thought of it as you do as the other program."

Councilman Kent: "Well, the greenway program actually has three parts to it. There's parkland acquisition; there's open space acquisition, and there's farmland acquisition."

George Schmelzer: "Yeah, when do you figure you're going to get

all 90% of the land in government ownership? How long will that take at the rate you're going?"

Councilman Kent: "90%?"

George Schmelzer: "Well, the way you're going. You're getting more every year. How long will it take to get 90%?"

Councilman Kent: "We'll never get 90%."

Supervisor Villella: "You've never going to get 90%, George."

Councilman Kent: "Is that a question you wanted an answer to or you just want to ask the question?"

George Schmelzer: "Ask the question."

Councilman Kent: "Okay, then I won't answer it."

George Schmelzer: "You don't want to answer it?"

Councilman Kent: "I said is that a question you want the answer to or just a question?"

George Schmelzer: "Yeah, yeah, it's a question."

Councilman Kent: "We'll never get to 90%."

George Schmelzer: "How much-- what will you get?"

Councilman Kent: "How much property is still vacant in the Town of Riverhead?"

Supervisor Villella: "There's 14,000 acres at risk, George."

George Schmelzer: "What do you mean at risk?"

Supervisor Villella: "That could be developed, have houses."

George Schmelzer: "That's a risk?"

Supervisor Villella: "Yes, it is a risk."

George Schmelzer: "You mean what you're trying to do with

Grumman, that's your biggest risk?"

Supervisor Villella: "George, we're trying to preserve as much property as possible and also build up commercial areas to build up the tax base."

George Schmelzer: "That's like talking out of both sides of your mouth at the same time."

Supervisor Villella: "Good, George."

George Schmelzer: "Yeah, really. First you want development; then you come around and say we don't want development. Does that make sense?"

Councilman Kent: "It's a voluntary program actually. People want their property preserved and they're in farming, we do have a program to purchase the development rights from their farm and they can stay in farming."

Supervisor Villella: "Excuse me."

George Schmelzer: "You are paying lower taxes."

Supervisor Villella: "He has property in the pine barrens and he just sold property in Yaphank that's the same type thing as this. He knows all about it."

Councilman Kent: "I know he does."

George Schmelzer: "What?"

Supervisor Villella: "That's okay, George."

George Schmelzer: "Yaphank is different."

Supervisor Villella: "I know, but also the pine barrens property you have. We're trying to help you out with that because--"

George Schmelzer: "There's more oak trees there than pine."

Supervisor Villella: "Okay. All right. Is there any other resolutions, George?"

George Schmelzer: "I don't-- I might have missed one but I can't help-- "

Supervisor Villella: "You can come back later."

George Schmelzer: "Yeah, I'll come back later. Okay, thank you."

Supervisor Villella: "Thanks, George. Anybody else like to speak-- Mary?"

Mary Andruszkiewicz: "I read through the list of resolutions for this evening. I was wondering if there is any more that were going to be introduced off the floor or if-- are these all of them?"

Supervisor Villella: "Yes. No, there are a few that are coming off the floor."

Mary Andruszkiewicz: "May I ask what those are?"

Barbara Grattan: "Please state your name?"

Mary Andruszkiewicz: "Mary Andruszkiewicz from Jamesport."

Councilman Kent: "We only have two, right?"

Supervisor Villella: "No, I've got-- you've got Splish-Splash, Adult Use District-- "

Councilman Kent: "I don't know if we're ready on Adult Use District. I don't think we're ready on Adult Use District."

Supervisor Villella: "And Broad Cove."

Mary Andruszkiewicz: "Okay, thank you."

Supervisor Villella: "I have two Splish-Splash."

Councilman Kent: "Do you want to explain what these resolutions are? The Broad Cove one is the Town willing to sponsor-- the County acquires Broad Cove, we're willing to sponsor a passive recreational use at Broad Cove. And the other one extends the site plan approval of Splish-Splash which is expiring. Okay."

Supervisor Villella: "Steve, I'm sorry."

Steve Haizlip: "Steve Haizlip of Calverton. I want to go to my old alma mater here. The Grumman. Authorizes the Supervisor to execute a site management agreement between East End Aircraft Long Island Corporation and the Town of Riverhead. I know this is referring to the F-14 Memorial Park monument."

Supervisor Villella: "Correct."

Steve Haizlip: "What I'm interested in is, is this between Steve, Joe Van de Wetering and yourself is down to one acre of land yet?"

Councilman Kwasna: "Still the one acre."

Steve Haizlip: "Still the one acre."

Councilman Kwasna: "For now."

Councilman Kent: "This is actually phase one of the one acre."

Supervisor Villella: "It's not even a full one acre."

Councilman Kent: "Not even a full acre."

Steve Haizlip: "Well, you know, I don't know maybe the Newsday was in error when that 503 or 501 from Wading River, they say that it was being 10 acres."

Supervisor Villella: "That was wrong."

Steve Haizlip: "That was wrong. Now I also have heard words expandable to 10 acres. Now, if you are only going to allot one acre which I've already said up here before, I think that's giving the good name of Grumman, all the employees that worked there, all the Long Island vendors and merchants and so forth in the Town, I think that's a little too restrictive. Thank you very much."

Supervisor Villella: "Thank you, Steve. Do you want to expand on that?"

Councilman Cardinale: "Yes, Steve, I just wanted to clarify. This one acre-- actually it's less than one acre-- is the actual site

on which the memorial is going to be placed and the parking. We have committed to make available under unspecified terms at the moment another nine acres for the museum and that will be the subject of a subsequent-- "

Supervisor Villella: "That's later on."

Steve Haizlip: "Oh."

Councilman Cardinale: "But this is just for the plane itself and the pedestal."

Supervisor Villella: "Right. We want them to get going on this."

Steve Haizlip: "To get going. Yes. All right. That's where the word expandable comes in."

Councilman Kent: "Thanks, Steve."

Supervisor Villella: "Sal?"

Sal Mastropolo: "Sal Mastropolo, Calverton. 703 and 704. Can you tell me why there's two different law firms representing three members and two members on the other one? It's the same lawsuit and you were sued as the Town Board, right? So why aren't we defending the Town Board with a single law firm rather than two?"

Councilman Kent: "Do you want to explain it?"

Adam Grossman: "I'll explain that, Sal. Very simply, if there is a conflict in the interests of different members of same Town Board, state law-- actually federal law requires and state law requires, that we not have the same lawyer represent people with different interests. Okay. Therefore, because the Counsel that originally was retained to represent the entire Town Board determined that not all members of the Town Board-- because they voted differently-- had the same interest, we are required to have separate counsel."

Sal Mastropolo: "Okay, so it's based on the voting?"

Adam Grossman: "It's based on the voting-- "

Supervisor Villella: "The conflict."

Adam Grossman: "-- on the underlying causes of action in the lawsuit."

Sal Mastropolo: "Okay. Next question. 708 and 736 appear to be (inaudible) and they were put up by two different groups. 708 and 736. They're both for the aquarium, the splitting of the funds-- ask for a state grant."

Councilman Kent: "You're actually correct. They are. I believe 708 is going to be withdrawn. I think 736 is the corrected one. Isn't that correct?"

Supervisor Villella: "736 is the correct. 708 should be withdrawn. Thank you, Sal."

Sal Mastropolo: "Okay, you're welcome. Thanks."

Supervisor Villella: "We could put, yes, put one of those instead-- which one would you like to put instead of-- "

Barbara Grattan: "Okay (inaudible)."

Supervisor Villella: "708 is Broad Cove."

Councilman Kent: "And I'll move that, Barbara."

Supervisor Villella: "Okay, 708. Thank you, Sal. Anyone else like to speak on the resolutions? If not, we are going-- Bill, and then Jim."

William Kasperovich: "William Kasperovich from Wading River. Resolution 702. Sometime in the past I had asked for-- had indicated that the word demolition is used differently in different ways in the construction industry. Now we have an excavation downtown and we have a protection around the-- protecting fence around the perimeter. Not knowing who is responsible for the maintaining of this fence, I question this particular resolution because if we are referring to-- whoever is in good faith should be maintaining this fence, then it is not being done. I don't want to publicly say or on TV exactly what I placed a complaint with the Building Department today and with the Police Department for which I expect practical and immediate action so if the maintenance falls within one area, fine. If it falls in

another area, it really doesn't apply."

Supervisor Villella: "But, Bill, you're absolutely right. Even though it doesn't fall in our area, it falls on them. I still would like to table this resolution because if there's any good faith deposit, I mean I want to see them have some good faith and correct the fence that's there. So I'll call them up tomorrow and I'll-- how about tabling this tonight, guys? Is that all right? Okay, we'll table this."

Councilman Kent: "We'll keep the money longer."

Supervisor Villella: "Adam, do me a favor with this. Hold on to that-- tomorrow call (inaudible) on that. Okay. Anyone else like to speak on-- Jim?"

Jim Flood: "Jim Flood, Aquebogue. On that Broad Cove thing. Could you just expand on that a little bit so we know what's going on with that as far as, you know, what we decided to do tonight?"

Councilman Kent: "What we are deciding to do is that we are supporting the county's efforts to acquire the parcel and that the town is committing to sponsor a passive recreational use at the site."

Jim Flood: "Now, what exactly is the passive recreational use? We're going to be able to put ballfields up there?"

Councilman Kent: "No."

Supervisor Villella: "They don't want that."

Councilman Kent: "We want ballfields in other areas of town. I don't really see ballfields at Broad Cove. I don't think it's an appropriate site for ballfields."

Jim Flood: "So what are we going to put there?"

Supervisor Villella: "Chris-- "

Councilman Kent: "What I'd like to do is put up-- in addition to some trails for walking and picnic benches, I'd like to put some type of musical venue there, maybe an amphitheater, so that we can have concerts that we've always wanted to do. Some type of amphitheater somewhere in town. I think Broad Cove is an ideal spot

for that."

Jim Flood: "That is a unique spot. Maybe it should have-- I mean, I thought now that this comes up, I thought that maybe there would have been some sort of public input on this other than-- I mean, all of a sudden, bang."

Councilman Kent: "Well, we could still have public-- "

Jim Flood: "We're supporting that. I mean, you know, I'm all in favor of, you know, having that parcel as a park rather than homes, personally."

Councilman Kent: "I think it's more appropriate."

Supervisor Villella: "You're absolutely right, Jim."

Jim Flood: "You know, we've got to figure out where we're going to put some girl's softball fields, some more soccer-- "

Councilman Kent: "Well, what I'm hoping is-- very soon I'm hoping that we'll be able to construct soccer fields at Grumman and then we'll be able to convert the Stotzky Park-- remaining fields at Stotzky Park into baseball fields. I'd like to put one full size diamond there for PAL purposes, 60 foot-- "

Supervisor Villella: "90 foot."

Councilman Kent: "Pitcher's mound and 90 foot bases. I know the size of the diamond, and perhaps two additional fields for softball (inaudible)."

Jim Flood: "We should think about (inaudible) fields for girls because now that they're traveling up west for tournaments because the program has been pretty successful, especially this year, I think that we should consider putting two decent (inaudible) fields for the girls because that's what they're going to be playing on when they get to high school."

Councilman Kent: "I think that's a good idea and I think with two additional fields of little league size and one full size diamond, I think we'll have enough fields for the next, you know, 10 years or so at least."

Jim Flood: "Okay. A question about the hiring of the two law firms. Are they hired under the guidelines that we set as far as on hourly rates for both firms?"

Adam Grossman: "There are two different firms that are representing different Board members so whatever work they're going to be doing is pursuant to whatever retainer agreement we have with them so I believe Smith, Finkelstein we have a set hourly rate and the same thing with Rains & Pogrebin."

Jim Flood: "Well what are those hourly rates?"

Adam Grossman: "Well, I can't tell you off the top of my head. I know with Rains & Pogrebin because I believe it depends on the type of work it is-- they're our labor counsel, and they are representing the Town and three of the Board members. I know Smith, Finkelstein is \$150 for partners and \$125 for associates and \$65 for paralegals. Rains & Pogrebin, it depends on the type of work it is."

Jim Flood: "Well, can you give me some sort of a scale?"

Adam Grossman: "I can't remember-- "

Jim Flood: "Is it more or less?"

Supervisor Villella: "I think it's \$250-- is it?"

Councilman Kent: "No, it's \$195."

Supervisor Villella: "\$195? \$195, that's it."

Councilman Kent: "I believe it's \$195."

Adam Grossman: "Depending on-- and for certain types of work, they will do work for us on an hourly, other things are done on a flat fee."

Supervisor Villella: "Some of it is even done on a contingency basis-- we already have. So they don't charge-- "

Adam Grossman: "Absolutely."

Jim Flood: "Will they ever work on contingency?"

Councilman Kent: "No, not in labor work."

Jim Flood: "Okay. That's a losing proposition."

Adam Grossman: "Generally anything related to labor issues is for them (inaudible). We treat labor counsel a little bit differently and also our counsel that deal with the Grumman property have a different rate structure."

Jim Flood: "Okay. One last question, and that's on the recreation-- I guess we did some more capital work for recreation-- you must know about this-- "

Councilman Kent: "Yes, I do. Which one are you asking about?"

Jim Flood: "Again, I'm back to drainage again. On I guess it's field 3 at Stotzky Park-- "

Councilman Kent: "It's included in the \$12,000 appropriation on tonight's agenda."

Jim Flood: "Okay, now, so we're not going-- remember last time we kind of split it out of the drainage bond. Is it-- what kind of drainage is it? Is it like-- is it-- would it be like a road drainage or-- "

Councilman Kent: "Actually they're putting in a ring or a drywell between fields 3 and 4. If you know the park real well, there's a low spot there where the-- "

Jim Flood: "Yes, we live there."

Councilman Kent: "Right. You know the pond where you fish?"

Jim Flood: "Yes."

Councilman Kent: "Between fields 3 and 4?"

Jim Flood: "Okay."

Councilman Kent: "Well, that pond's going to be taken out with a drywell and then that roadway, there's a little walkway that goes in between that always gets covered with dirt, that will always-- you know, with the ring put in that walkway should not get covered with

dirt."

Jim Flood: "Great. Thanks, Chris."

Supervisor Villella: "Thanks, Jim. Anyone else like to speak? Yes?"

Janet Eldridge: "I'm Janet Eldridge, I'm from Riverhead. It's about #710, the approval of the special permit of Sunken Pond Estates."

Supervisor Villella: "I don't think-- the mike is on the other side."

Janet Eldridge: "I'm sorry. Janet Eldridge, Riverhead. Sunken Pond Estates."

Councilman Kent: "Yes, I'm going to move to table that tonight. That is not going to be considered for a vote tonight, except for a vote to table. I don't know-- "

Janet Eldridge: "Okay. But I did have a petition that I took around to the Two Bears and also to Middle Road with people that were opposed to it."

Councilman Kent: "Yes."

Councilman Cardinale: "That's one of the reasons that Chris was making the-- tabling the motion."

Councilman Kent: "We're going to make further consideration of that petition and also there's another issue that has not been worked out on the site-- on the commitment of sterilization of property that they have to do in order to get approval and also they haven't submitted their site plan yet. So we-- there's three issues that we're probably going to move to table this. I'm going to make the motion. I think we'll vote-- "

Janet Eldridge: "Can I ask-- I mean is this like really necessary? I mean there's so many places now that are going up for senior citizens on Middle Road. I mean you have Riverhead Landing with empty units in it right now. They're going to expand Foxwood Village, right? John Wesley right next to that. There's like 200 units going up there. I mean how many places do they need? This is

192. I mean, it's like they're trying to saturate the road with senior citizen complex units. Is there really a need for it? And all the trees that they'd be cutting down in there and all the wildlife they're chasing out. It's almost criminal, I think. And Middle Road is busy enough now. I mean think of how much more traffic this is going to bring in."

Councilman Kent: "All things we'll consider when we review this."

Janet Eldridge: "I mean, I understand that, you know, the man who owns this he has a right, you know, to do whatever he wants but can he even like downsize it, to make it like one acre lots there? Houses on one acre lots? Which would be a lot more people-- a lot less traffic. I mean 192 units, that is a lot in such a small area. Right down the street you have 200 going up over there, then the other place, and you go on the other end of the street, there's Foxwood, Riverhead Landing. I mean it's like we're being like saturated."

Councilman Kent: "Well, the way the zoning is now that's-- Middle Road has really been encouraged for that type of development under current zoning."

Janet Eldridge: "I think it's awful. But what happened to trying like to preserve open space? Like my son said, when he gets to be an adult, there'll be no open space left. If you could at least consider even downsizing to one acre lots which I think was the original plan."

Supervisor Villella: "We're doing as much as we can with open space."

Councilman Kent: "Believe it or not, 192 is a downsize. Originally they were approved-- years ago it was approved for 224 units. And we've reduced it down to 192."

Janet Eldridge: "I mean, is the need really there though? I mean-- "

Councilman Kent: "I can't decide the marketing end of it. We can only go by what the zoning allows and if they can't market them, that's really the business end. We don't make the business decisions."

Janet Eldridge: "I mean can't they build up the other places first and then see if you really do this? I mean, come on, it just seems like-- I don't know."

Councilman Cardinale: "Do you have a copy of the resolution? I think you do, right? Did you speak with the Planning Board on this?"

Janet Eldridge: "No, I haven't."

Councilman Cardinale: "Because what has happened here is that, as in most instances, we refer this to our experts in the Planning Board and they have recommended in favor of it. We have some reservations which is why we're tabling it to discuss them. But I think it would be helpful if those of you who are concerned, as you are, about this and other developments that you follow the Planning Board calendar because if you get input there, they will-- that will alter their recommendations to us. Their recommendation is favorable in this regard to this project. So that puts us kind of in a situation where we either have to disregard or alter their recommendation which is what we're considering and if we do that too often it's hard to get people to work here that don't take their advice. That's-- I think that talking with the Planning Board on some of these projects would be helpful because those recommendations precede our consideration of the project."

Janet Eldridge: "Okay."

Supervisor Villella: "And there was some talk about trying to downsize the project a little bit more."

Janet Eldridge: "It would be nice. I mean to me it just seems like the road is just being liked saturated with all these condominium complexes and apartments. I mean it's not like the Island is so big. I mean it's just so wide, what 35 miles wide and maybe, what, 120 miles long. It's like, you know, just seems like it's getting to be so densely populated."

Supervisor Villella: "And that's the reason-- "

Janet Eldridge: "I mean try to go down Route 58 between like 10:00 a.m. and 3:00 p.m. in the afternoon, forget about it. You can hardly move. And bringing all this extra people in here, it will be like a huge parking lot."

Supervisor Villella: "That's why this Town Board is committed to preserving as much property as possible because in all the previous years, the Town of Riverhead they never did development rights on their own. We've done one and we have seven farms that we're doing this year."

Councilman Kent: "And if you really are interested in changing the zoning in the Town, try to get involved with one of the focus groups because we're doing a master plan right now and we need the people-- the public to really get involved so they can express their issues at that level and that way we can change our zoning code. Okay."

Janet Eldridge: "Okay. Thank you."

Supervisor Villella: "Thank you for your concern. Anyone else like to speak on the resolutions? No. We're going to go into the resolutions."

Barbara Grattan: "Resolution #691, Councilman Kwasna."

Supervisor Villella: "Boy, you're quick. We want to do CDA first. Yes, I see. Hawaiian princess is coming up here. I'm sorry, Andrea."

Meeting closed: 8:14 p.m.

Supervisor Villella: "We'll go into the regular Town Board Meeting."

Resolution #691

Councilman Kwasna: "Appoints a provisional account clerk typist in the Planning Department. So moved."

Councilman Kent: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Councilman Kwasna: "Any reason Mr. Hanley out there is jumping up and down?"

Supervisor Villella: "Yes, he should be jumping up and down. You know it's great when you have the environmentalists saying you need someone in there and the developers saying you need someone in there, too. It works out good."

Resolution #692

Councilman Lull: "Appoints provisional account clerk typist in the Building Department. So moved. That would be the appointment of Theresa Davis."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #693

Councilman Cardinale: "This resolution appoints a bus driver to the Riverhead Recreation Department, Michael Slovensky. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #694

Councilman Kent: "Resolution 694 appoints Gregory Sanders as a lifeguard to the Riverhead Recreation Department. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #695

Councilman Kwasna: "Appoints lifeguard to the Riverhead Recreation Department. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #696

Councilman Lull: "Appoints Courtney Galla as a beach attendant in the Riverhead Recreation Department. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #697

Councilman Cardinale: "This appoints Chris Burns a lifeguard. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #698

Councilman Kent: "This authorizes the publishing of a bid for #4 and 6 fuel oils. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes;

Villella, yes. The resolution is adopted."

Resolution #699

Councilman Kwasna: "Okay, this is an authorization to publish bid for office supplies to be used by the Town of Riverhead and at the Calverton site. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #700

Councilman Lull: "Authorization to publish a bid for snow removal at the Calverton site. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella."

Supervisor Villella: "I hope we don't own the property by then; we don't have to do it. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #701

Councilman Cardinale: "This accepts the performance bond from Petrocelli Contracting, Inc. regarding the aquarium. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #702

Councilman Kent: "I moved to table Resolution #702."

Councilman Kwasna: "I'll second it."

Supervisor Villella: "Moved and seconded to table."

The Vote: "Cardinale, yes, to table; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is tabled."

Resolution #703

Councilman Kwasna: "This authorizes the retention of the law firm of Rains & Pogrebin, P.C. to represent the Supervisor and Councilmen in a United States District Court Eastern District matter. So moved."

Councilman Lull: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #704

Councilman Lull: "Authorizes the retention of the law firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski, Esqs. to represent two councilmen in the same Court. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #705

Councilman Cardinale: "This authorizes the Sewer District Superintendent, Michael Reichel, to attend a seminar in Fort Washington, Pennsylvania August 30, September 1. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #706

Councilman Kent: "This awards the bid for the South Jamesport beach lighting improvement project. This will be lights that will be placed on the tennis court and basketball court at South Jamesport park which is a town facility and the bid actually came in a little lower than we had expected and it's \$68,000 and I move that resolution."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes, Villella."

Supervisor Villella: "Do you want to explain, Chris, where these funds are coming out of so people understand?"

Councilman Kent: "Monies are coming out of the Rec Advisory Committee-- Recreation Advisory Committee, and this was approved unanimously at our last Recreation Advisory Committee meeting."

Councilman Cardinale: "And the recreation funds come do they not from developer fees as opposed to from general tax dollars?"

Councilman Kent: "That's correct. They come from fees that were collected when subdivisions were approved."

Supervisor Villella: "I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #707

Councilman Kwawna: "This authorizes the Town Clerk to post and publish notice to bidders for the salvage of the house located at 143

Cliff Road West in Wading River. So moved."

Councilman Lull: "Seconded."

Supervisor Villella: "Moved and seconded."

Councilman Kwasna: "Finally got that "West" in there."

The Vote: "Cardinale, yes."

Supervisor Villella: "I hope we have better luck."

Councilman Kent: "This is a house that's available for purchase so if anybody's interested. The only problem is that you have to move it off the site it's presently located on."

Supervisor Villella: "It's a new house, you just have to move it. You can put any bid you want but it has to be moved."

Councilman Kent: "And I vote yes."

The Vote (Cont'd.): "Kwasna, yes; Lull, yes; Villella, yes.
The resolution is adopted."

Resolution #708

Councilman Kent: "708 is the resolution authorizing the Town commitment regarding the county acquisition of Broad Cove duck farm. What we're doing is we're sponsoring-- we're willing to sponsor if the county acquires the property, we're sponsoring a passive recreational outdoor use at the site. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes."

Councilman Cardinale: "In regard to this-- the initial proposal when the county made it to the town, initially it troubled me and I commented that the loss of the-- what is a significant part of the tax base, what I call the Riverhead Rivera, gave me pause. The other thing that gave me pause is under this program the town pays for the improvements on the property which then must be available to all

county residents.

I've considered this carefully and particularly in view of the proposed passive use which would include an amphitheater and some trails probably as proposed by Councilman Kent, and that leads me to believe that the contribution of the town will not be great to the improvements here. Also, the alternative here is that since the county is going to purchase this with their own money, they could seek and obtain an alternate sponsor to do the test that the town is taking on itself and I think that alternative is far worse because we would not have control of the site and its passive development-- passive use development.

So that lead my reservations in regard to the issue of town paid improvements to be lessened.

In regard to the Riverhead tax base, as extraordinary contribution as this piece of property could make to the enhancement of the Riverhead tax base as a summer home site or a hotel site on part of the property, if possible this is an even more extraordinary site for preservation. It's just very unique and life is balanced.

The other thing that does not preclude this particular resolution is the possibility that the county in their negotiation will purchase only some portion of the site as opposed to the whole site which would then permit some development and enhancement of the tax base in regard to the rest.

So for those-- my reservations, therefore, have been alleviated sufficiently to lead me to vote yes and, therefore, I do vote yes on this."

The Vote (Cont'd.): "Kent."

Councilman Kent: "Listening to Councilman Cardinale, I'm glad to see that he's voting yes but it just made me think about one thing. If you've been to the site, you could appreciate how beautiful a park this would be for the type of use that's now proposed. I can see going down to that park on a late summer evening and enjoying a concert and maybe fireworks coming in off the bay. It will just be an outstanding location and if you at some point I'm sure will have an opportunity to go out there because it's something I want to have accomplished in the next couple of years. So I'm voting yes."

The Vote (Cont'd.): "Kwasna."

Councilman Kwasna: "I think people also have to realize that the positioning of this property, I believe it runs continuous with Indian Island Park-- "

Supervisor Villella: "Correct."

Councilman Kwasna: "And the county is looking for it as an addition to Indian Island Park so everybody knows that and I vote yes."

The Vote (Cont'd.): "Lull."

Councilman Lull: "Yes, Phil's absolutely right. It does take a good solid swipe at our tax base, there's no question about it. In fact, there are times when it is important to maintain or try to maintain some of the very unique things that we have here and Broad Cove is about as unique as it comes on the south part of the north fork. I vote yes."

The Vote (Cont'd.): "Villella."

Supervisor Villella: "They said it all. I'm happy because this is what I've wanted from the beginning and I hope the county goes through with it and I think the meetings that we had with the county this past week was very helpful, right, Chris?"

Councilman Kent: "Yes, productive, definitely."

Supervisor Villella: "Okay, so I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #709

Councilman Cardinale: "709 is an order calling the public hearing for proposed renovations to the district administration building of the Riverhead Water District. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #710

Councilman Kent: "For the several reasons we stated earlier tonight, the special permit of Sunken Pond Estates, I'm going to move to table it."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded to table."

The Vote: "Cardinale, yes, to table; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is tabled."

Resolution #711

Councilman Kwasna: "Okay. 711 authorizes the Town Clerk to publish and post notice of a public hearing on amendment to Chapter 61 of the Environmental Quality Review. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #712

Councilman Lull: "Refers zoning amendment petition of Traditional Links to the Planning Board. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "I'm voting yes and I want to point out that the final environmental impact statement regarding this project is now available in the Clerk's office, is anyone who wants to look at it. It's only 18 pounds and seven inches high. So I vote-- "

Barbara Grattan: "Councilman Cardinale, it is not in the Town Clerk's office."

Councilman Cardinale: "All right. Is it in the Planning Department?"

Councilman Kent: "It is, yes."

Councilman Cardinale: "It's in the Planning Department and soon will be in the Clerk's office. In any event, I'm voting yes to refer it to the Planning Board."

Councilman Kent: "Barbara, you won't have to go to the gym anymore, Barbara. Just move the books around every now and then. Yes."

The Vote (Cont'd.): "Kwasna, yes; Lull, yes; Villella, yes.
The resolution is adopted."

Resolution #713

Councilman Cardinale: "713 approves the application of Max A. Gomez (Central American and Mexican Independence Festival) to be held on September 11 and 12 between 10:00 a.m. and 9:00 p.m. right behind the motor vehicle building in Riverhead."

Councilman Kent: "It's behind the restaurant."

Councilman Cardinale: "It's behind the restaurant which is in the same shopping center. It's not being sponsored by motor vehicles but it might be a good time, so check it out. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #714

Councilman Kent: "This authorizes the Town Clerk to publish and post notice of public hearing for the special permit of Wal-Mart Stores, Inc. And refers the petition to the Planning Board. So

moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #715

Councilman Kwasna: "This authorizes the publication of a notice of public hearing for amendment of Article XXXV of the zoning ordinance of the Town of Riverhead. This public hearing will be held on the 7th day of September at 7:15 p.m. right here at Town Hall. So moved."

Councilman Lull: "That one and the previous one and the one-- two resolutions prior all are going to be on that same date. Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes."

Councilman Kent: "This code amendment would expand the areas-- receiving areas for the pine barrens credits. So if anybody is interested in that they should come to the public hearing to discuss it on the 7th of September and I vote yes."

The Vote (Cont'd.): "Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #716

Councilman Lull: "Reappoints Richard X. Park as a member of the Board of Assessment Review. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #717

Councilman Cardinale: "This is a '99 recreation capital improvement capital budget adjustment, \$12,500 from special trust to drainage improvement, fencing and playground equipment. So moved."

Councilman Kent: "Seconded. And this was with the unanimous recommendation of the Recreation Advisory Committee."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #718

Councilman Kent: "This is the sewer plant upgrade capital project budget adjustment, \$8,705,000, a lot of it which was provided to us through a grant and through low interest financing from EFC. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #719

Councilman Kwasna: "This is a child care center building fund budget adjustment. It's \$3,000. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #720

Councilman Lull: "Is a general fund budget adjustment, appropriated fund, propane expense, auto repair expense shifted to

unemployment insurance, and a variety of others including youth services and JAB equipment. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #721

Councilman Kent: "This is a Highway Department budget adjustment for \$3,200."

Councilman Lull: "Chris, would you be interested in taking the next-- up to 728 because they're all-- "

Councilman Kent: "All right, I'll move them all."

Councilman Lull: "We're just switching to unemployment insurance money."

Councilman Kent: "Okay, and these are budget adjustments. We're taking money from all the various departments for unemployment insurance. The budgets that are affected are the Highway Department, the Water District, Sewer District, Refuse and Garbage District, the Lighting District, the Public Parking District, and the Joint Scavenger Waste District and the Youth Court Services line in the budget. These are all budget adjustments for unemployment insurance. So moved."

Supervisor Villella: "721 to 728."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolutions are adopted."

Resolution #729

Councilman Cardinale: "This is a PAL fund budget adjustment

\$1,900 from appropriated fund balances to umpire expense and baseball supply expense. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #730

Councilman Kent: "This approves the application of Joe Cobis for a block party, Prospect Place, Sunday, August 8 from 10:00 a.m. to 11:00 p.m. So moved."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull."

Councilman Kent: "What's the matter?"

Councilman Lull: "Check the times."

Councilman Kent: "11:00 p.m. Yes, but see it's a block party so everybody on the block-- "

Councilman Kwasna: "Anybody who lives on the block-- "

Supervisor Villella: "I'll go along with that."

Councilman Kent: "You invite everybody."

The Vote (Cont'd.): "Lull, yes; Villella, yes. The resolution is adopted."

Councilman Kwasna: "I said yes, too."

Resolution #731

Councilman Kwasna: "This accepts offer of sale of development rights - Cal Hollow Farms on Reeves Avenue in Calverton. It's a 25.9

acre parcel and the price is \$8,600 per acre. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes."

Supervisor Villella: "This is the 75/25 with the state. 75% state, 25% town will pay for it."

Barbara Grattan: "The resolution is adopted."

Resolution #732

Councilman Lull: "Accepts the offer of sale of development rights - Arthur A. Stakey, Church Lane, Aquebogue, 29 acres and the same price. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes."

Supervisor Villella: "This is the same situation, 75/25."

Barbara Grattan: "The resolution is adopted."

Resolution #733

Councilman Cardinale: "Once I get through the contract. 733 authorizes the Town Clerk to publish and post a help wanted ad for full time bus driver in the Department of Senior Citizen programs. So moved."

Councilman Kent: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Resolution #734

Councilman Kent: "This nominates certain parcels to the Suffolk County Greenways Program as provided in the resolution. So moved."

Councilman Kwasna: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull."

Councilman Lull: "Question, Chris. The first two-- they're the same ones we just-- "

Councilman Kent: "Just in case those closings don't happen, we have nothing scheduled yet."

Supervisor Villella: "These are still on the county list."

Councilman Lull: "Okay."

The Vote (Cont'd.): "Villella."

Supervisor Villella: "Is Lyle Wells here or any of the people from the Farmlands Select Group? I'd like to congratulate them. Anyway, yes. They did a great job."

Barbara Grattan: "The resolution is adopted."

Resolution #735

Councilman Kwasna: "This authorizes the Supervisor to execute a site management agreement between East End Aircraft LI Corp. and the Town of Riverhead. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

Councilman Kent: "Just be sure that-- I amend-- this was just recently amended today and just make sure you have the amended agreement attached. Okay."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes;

Villella, yes. The resolution is adopted."

Resolution #736

Councilman Kent: "This authorizes the application for state assistance. This is regarding the grant of money for the Marine Science Foundation and the matching monies will be provided by Atlantis Marine World LLC. So moved."

Councilman Cardinale: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull."

Councilman Lull: "Phil, thanks for clearing that one up. It's in there. Yes."

The Vote (Cont'd.): "Villella, yes."

Barbara Grattan: "The resolution is adopted."

Resolution #737

Councilman Cardinale: "This extends the site plan-- "

Supervisor Villella: "No, this is you."

Councilman Cardinale: "I'm getting out, yes. This appoints Chris Kent to take over as Deputy Supervisor and I am pleased to move this. So moved."

Councilman Kwasna: "I thought it was my turn."

Councilman Cardinale: "There you go, you, too, Mark. I'm pleased if you be it. I'll second it."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent."

Councilman Kent: "I'll abstain because of all the financial remuneration that I'll receive."

Supervisor Villella: "I'll give you a dollar, don't worry."

The Vote (Cont'd.): "Kwasna, yes; Lull, yes; Villella, yes.
The resolution is adopted."

Supervisor Villella: "Congratulations. You have a 10:30 meeting tomorrow morning. Grangible Park."

Resolution #738

Barbara Grattan: "738 is going to be to pay bills."

Councilman Lull: "I'll move the bills."

Councilman Kwasna: "Second."

Supervisor Villella: "Moved and seconded to pay bills."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The bills are paid."

Resolution #739

Barbara Grattan: "Now we're going to do extending the site plan approval of Splish-Splash-- 739."

Councilman Kwasna: "I'll move that. Extend site plan approval of Splish-Splash at Adventure Island, Inc. for an additional 12 months. So moved."

Councilman Lull: "Seconded."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale, yes; Kent, yes; Kwasna, yes; Lull, yes; Villella, yes. The resolution is adopted."

Supervisor Villella: "Are we doing this or what?"

Councilman Kwasna: "Do we have a resolution on this?"

Supervisor Villella: "The Adult Use District?"

Adam Grossman: "Are you talking about the Adult Use District?"

You all have the resolution."

Councilman Cardinale: "Chris, do you have a thought on whether to move the Adult Use District tonight or to hold it?"

Councilman Kent: "I'm kind of inclined to just hold it, see if we can't find out a couple of those things, whether we could limit it."

Adam Grossman: "Chris, we could also amend it."

Supervisor Villella: "You could amend it later on. I'd like to get this on the books and then amend it later."

Councilman Kent: "In what district?"

Adam Grossman: "I don't know. The risk in not doing anything tonight is that if we receive an application-- will be grandfathered."

Councilman Kent: "Okay, so we can-- can we move-- well, then we're going to have to have another public hearing and we probably can't amend it for a month or six weeks."

Adam Grossman: "Anytime after it's adopted you can amend-- "

Councilman Kwasna: "We can look at it for a couple months and see what we want to amend."

Councilman Kent: "Excuse me?"

Councilman Kwasna: "We can look into it for a couple months and see if we want to make any amendments to it."

Supervisor Villella: "Because right now this is bullet proof from the lawsuit-- from previous lawsuits from other towns so it looks good."

Councilman Kent: "Okay. I just don't want to let this go because I think it does deserve some attention on possible amendments. Okay."

Adam Grossman: "Absolutely."

Councilman Kwasna: "This is going to be-- "

Resolution #740

Councilman Kwasna: "I'll move it. Adopts local law to amend Chapter 108 entitled Zoning of the Riverhead Town Code to add Article XXXXII - Adult Use District. So moved."

Councilman Lull: "Second."

Supervisor Villella: "Moved and seconded."

The Vote: "Cardinale."

Councilman Cardinale: "Yeah, just to make sure that everybody understands, both watching and in the audience. I'm going to vote yes on this although I do agree with Chris that two suggestions made during the public hearing-- Ann's in regard to the 500 feet from neighboring residents and the other that only one industrial zone should permit this use would be appropriate amendments. However, the reason we're doing this tonight is we feel that we're vulnerable and if we pass it we can amend at a subsequent date and I will make certain and so will Chris that we do that. So I'm voting yes."

The Vote (Cont'd.): "Kent."

Councilman Kent: "Yes, for similar reasons, I'll vote yes. I do want to get it on the books so that we can prevent any applications that I guess we're anticipating to come in very soon from being grandfathered in under no-- under the absense of a code. So putting a code on the books is important and we will keep amendments in mind in the very near future. So I vote yes, also."

The Vote (Cont'd.): "Kwasna, yes; Lull."

Councilman Lull: "Municipalities are known for moving as slowly as possible but, in fact, in this case, I think Adam is absolutely right. The movement can take place after we have had time to let this grow on us but, in fact, it needs to be in the books. Yes."

The Vote (Cont'd.): "Villella."

Supervisor Villella: "We're going to do this Fed Ex tomorrow morning? Thank you. You did a great job with this, too. I want to let everybody know. I vote yes."

Councilman Kent: "Talk about moving quickly. This has gone from consideration for adoption within four weeks."

Supervisor Villella: "Well, we're all going to take Ann's recommendations."

Barbara Grattan: "This resolution is adopted."

Supervisor Villella: "Thank you. Now, let's go into public comment. Anyone else sign the card? There's no card? Okay. The first one is Steve."

Steve Haizlip: "Steve Haizlip of Calverton. As you may recall, at the St. John's Baptist Church hearing, I mentioned that I was going today, August 3rd, to the County Legislature Review Committee. I made that journey. And I'm happy to report that IR initiative referendum or resolution rather 1584, eliminate the election of a county clerk has been defeated and what I mean is it's been defeated as far as appointing a Commissioner of Records. The democratic process is going to remain intact the way it always has been and I strongly give my input on this."

Adam is not here but-- "

Supervisor Villella: "We'll get him."

Steve Haizlip: "-- we talked about this county-- about the county wanting to sue the towns over this-- the way our tax bill is published or edited or wrote up or described or whatever you may want to say. I didn't speak on this up there today but-- "

Supervisor Villella: "You should. You would have embarrassed them a little bit more. But go ahead."

Steve Haizlip: "Well, I didn't fill out a card for that and I didn't know it was coming up, but I didn't fill out a card for that because I didn't know it was coming up and the only reason I knew that this IR 1584 was coming up because I called Levy's office and she told me that it was happening today. So then that's why I went up today specifically for that."

So, anyway, what I want to bring up is they made reference-- now here's what I don't like. They made reference to Riverhead Town erroneous assessments and they carried it over because the Towns are

currently in discussion. It's the way they put it. And I don't go for this word "erroneous" and even Mike had told me over the phone, erroneous. I don't feel that the people in the Assessor's office is making erroneous assessments. I feel they are doing to the best of their ability and to their training. What is happening is you've got companies like Bernstein Bros. (phonetic) and every other connivers, that's the way I feel, coming in and going to Court and getting assessments knocked down because they holler oh, my development rights are spoiled now because I unloaded and loaded oil over there and so now it's not worth development and I feel my assessment has got to go down. Well they go to court and they win. So they're calling that erroneous assessment. I don't go with that."

Supervisor Villella: "Steve, you'll be happy. Actually this year Tosco (phonetic) was reassessed higher because they have a lot of oil in those tanks now. But you're right on what you said previous years."

Steve Haizlip: "Well-- "

Supervisor Villella: "But I want Adam to talk to you about what's going on with the lawsuit."

Adam Grossman: "Actually, Steve, you and I spoke about this in my office so-- "

Steve Haizlip: "Yeah, right."

Adam Grossman: "We have an existing lawsuit by Suffolk County against all 10 towns in Suffolk County having to do with the tax bills that are issued in all 10 towns and the county is suing the 10 towns of Suffolk County over changing our tax bill, telling us that there has to be an extra line to the tax bill called erroneous assessments. And each of the 10 towns and the Town Attorneys' offices is working together in dealing with the county, negotiating the issues."

The only problem with what the county would like to do-- I don't believe anybody disputes that we want to have an accurate tax bill in this town and the rest of the 10 towns, the problem is that in order for Suffolk County to tell us we have to change our tax bill, we have to get authorization from the State of New York, not only did the State of New York state this past week that they did not have such authorization, they stated that, in fact, any action on the part of the Town of Riverhead to change our tax bills without getting their

approval would be both a civil and criminal violation. And I don't take that lightly. Neither does Diane Stuke, the Receiver of Taxes, who has the legal responsibility to administer the tax bills.

So, in any case, my office is in negotiation along with nine other Town Attorneys' Offices with Suffolk County. We hope that we will be able to come up with a solution, but one that is legal.

And I also share your concerns, Steve, regarding the pointing of fingers and blaming us as to where this-- whether it's an erroneous assessment or whether there are money judgments from courts as to how to be listed on a tax bill. There is-- there are truth inaccuracy--in preparing tax bill legislation in the State of New York that state that it has to be clear what's on a tax bill and what the county is proposing is unclear and the state has said so."

Supervisor Villella: "And we are willing to work with county. We already met with them quite a few times, but just that we have to do it a legal way, not illegal. That's what we're working on."

Adam Grossman: "So my office is continuing to negotiate with Suffolk County as are the other towns. In fact, I just received in today's mail a motion to dismiss from the Town of Southampton. If within the next week we don't get any further progress with Suffolk County, on behalf of the Town of Riverhead, I will be filing a motion to dismiss against Suffolk County in connection with this lawsuit."

Steve Haizlip: "Okay. Now, also yelling about the first year payment that they make to the town to continue to operate is (inaudible). And I was informed that when you make up this tax bill you are trying-- they feel that you are making them look like they are guilty of this and you've got a reply for that, right?"

Adam Grossman: "I think it should be clear on the tax bill what the state law requires. And there are arguments to be made that whatever the Town of Riverhead and other towns may be doing, there are things that Suffolk County is doing as well that are very unclear."

Steve Haizlip: "Yeah, right. All right. Okay. Now, on July the 30th when they had the (inaudible) here for the (inaudible), 51,000 and I brought up the subject at that particular time and I was sort of informed that common sense applied. Well, what I'm referring to is one never knows what the weather is like. No, let me rephrase that. One never knows the future of the weather, what will come up.

You can leave the beach, it could be as pretty and calm as you please. Suddenly, you get out there, here comes a squall of whirlwind, what have you, and capsizes boats or they get into trouble. I mentioned the fact that the town has been fairly successful in passing legislations on people. What I'm proposing here tonight is-- I don't know if I'm being what you say treading on the rights of people or what have you. But life is precious and it's got to be preserved and if people own the boats and they got fishing equipment and they can afford all that, I think they can afford a little radio system that they can call back somewhere and say I'm in trouble.

A guy swims six hours, he's lucky that he's here and the other guy had to (inaudible) him out and he's lucky that he's around. So I feel that residents of this town that own boats should purchase some type of communication system to let them know if something comes up.

September of 1938, I forget the exact date. But it was a beautiful day and all of a sudden here comes a hurricane. Well, in this particular case, I don't know if it's any help, but just for ordinary events that happen, and waves turn boats over, I think they better have some communication. Of course, I'm not asking to enforce it. It's a good idea."

Supervisor Villella: "Okay, Steve, thank you very much."

Steve Haizlip: "I just wanted to hold up, let you two fellows get through talking to yourself. I had to do that today at the Suffolk County legislature."

Supervisor Villella: "Continue, Steve."

Steve Haizlip: "Guildi and Levy talking among themselves and I'm trying to talk. So I just stopped so then-- "

Supervisor Villella: "You did the correct thing. I'm sorry. Continue, Steve."

Steve Haizlip: "All right. Now, I want to direct this next comment to Phil because he's on this Cablevision Committee. You're still on it, aren't you?"

Councilman Cardinale: "Yes, I am."

Steve Haizlip: "All right. You know, I called up-- now you're

talking about people's rights being taken away, little by little, and so I called and I wanted to find out what would it cost me to have basic TV cable. This girl tells me that I talked with that it would be like \$11.00 a month but they are going to take everything away from me that I could get. Right now on an antenna, sometimes it's clear; sometimes a little hazy. But they're going to take everything away from me except what they want me to have and that's about four, five channels.

Now, I think that is taking away individual's rights. And if they can't provide basic TV cable for senior citizen at \$11.00 without taking everything away from them and only restricting them to four, five channels, then this is highway robbery."

Councilman Cardinale: "In regard to that, yes, it is. But in addition to that, I want to point out something so that I don't-- we don't have false expectations in regard to the Cablevision franchise agreement which I hope to be able to present to Cablevision as a draft and to the Board maybe within the next month or two.

When I first started the Cablevision Committee a year ago or a year and a half ago, the two things that every citizen out there wants negotiated are prices they demand and the programing that they put on. The prices are, of course, very high and the programing isn't very good. Those are the two things that under the federal law we cannot negotiate. So there will be no-- although I share your concern that the prices are absurd and the programing is bad.

The problem is that competition has to-- either two things are going to happen to those issues. One, competition with the telephone company will force Cablevision to have more reasonable pricing and better programing. Or the federal government will through up their hands, your congressmen, and say that the deregulation of that industry has not worked because competition has not developed and they'll impose price restraints.

But I share your frustration but I don't want to raise anybody's false expectations. Those price and programing are not a part of the franchise agreement."

Steve Haizlip: "Okay. My last item. I have been writing to Mr. LaValle so many times. No answer, no reply. So this last one, the last letter that I put in, it was very strong and I let him know that I don't appreciate being an outcast. So the only part that I

want to bring out here is I also included all George's research that he's put in on this disparity in this school tax system. He avoided it completely. Never gave me no reply on it whatsoever. But I also did get a reply on this here Wild River Scenic Act or whatever you call it.

I also have noted your comment regarding the Wild Scenic and Recreational Rivers Act-- recreational. People go down there on a little canoe once in a while. I guess that's what he's considered recreational. I don't see anybody fishing. Now, I'm sorry that you disagree with the intent of this legislation which is to preserve and protect our waterway. This is especially important is eastern Suffolk County where our environment is so closely tied to the tourist industry, a major component of our economy. Like George says, if you're driving along the road and you are a tourist, you want to look at the Wild River Scenic Act, you are violating the law. You should be looking at the man in front of you."

Supervisor Villella: "Thanks, Steve."

Councilman Cardinale: "Good point. Thank you."

Supervisor Villella: "Ann?"

Ann Frische: "Excuse me one minute. Hi. I'm Ann Frische from 382 Remsen Road in Wading River. Mr. Villella, Mr. Kent, Mr. Cardinale, Mr. Lull and Mr. Kwasna.

At the July 20th Town Board meeting, you all agreed I was to meet with all of you as soon as possible to finally accomplish putting in proper drains between High Hill Road and my house and restore my property at 382 Remsen Road to solve a very serious drainage problem to my home. After much to do on Friday, Edna from Mr. Villella's office called me back with an appointment at 4:00 p.m. Monday which was yesterday, August 2nd.

But at 11:30 a.m. yesterday, she called and cancelled because she said the Board was asking for a survey of Remsen Road again. That most likely it would be done later that day. I asked to be present to meet with the surveyor but Edna couldn't give me any time to do so. I then asked her to ask the surveyor to knock on my door but again she said she couldn't do that.

Since I wasn't at the meeting yesterday-- "

Supervisor Villella: "There wasn't any."

Ann Frische: "-- that I-- there wasn't any?"

Supervisor Villella: "No."

Ann Frische: "Okay, but I was told there was one. They told me, I was meeting with you."

Supervisor Villella: "Yes, we cancelled because we were waiting for the survey to come back to us. Then we're going to have a meeting with you there."

Councilman Kent: "But we did discuss it though."

Ann Frische: "Okay. Excuse me. I'm going to ask each of you individually like what was discussed. Okay. Thank you. I was urged to be there but now it was cancelled. Okay. Whatever. Okay. Mr. Lull, were you at that meeting?"

Councilman Lull: "At which?"

Ann Frische: "Whatever meeting was cancelled. It was cancelled."

Councilman Lull: "What we had yesterday, we had a Board meeting to go over the resolutions for this evening."

Ann Frische: "Okay."

Councilman Lull: "Yes."

Ann Frische: "And was anything said about surveying my property and drainage?"

Councilman Lull: "Yes. One of the things when we do this, we have the department heads come up-- sorry-- we have the department heads come up and we have them go over certain problems that they need to deal with us. One of the ones that Mr. Testa brought to us that we had asked him to bring was Remsen Road and the answer was that we decided upon was to get an exact survey of Remsen Road and that we would take it from there. And that would be ordered as soon as possible."

Ann Frische: "Okay. And-- "

Councilman Lull: "There was no decision."

Ann Frische: "There was no-- but the fact that Edna was told to tell me that this was going to be done yesterday or today was erroneous then, could I presume?"

Supervisor Villella: "No, we did it at yesterday's meeting, at the work session."

Ann Frische: "No, no. Edna was the messenger. I have nothing against Edna. The messenger saying that they were coming to Remsen Road yesterday or, you know-- "

Supervisor Villella: "The surveyor, yes. I thought you meant us."

Councilman Lull: "That's-- we simply said for him to get a surveyor there as soon as possible."

Supervisor Villella: "Get the survey done."

Ann Frische: "Okay, well-- "

Councilman Lull: "There was no discussion."

Ann Frische: "Okay, then, Edna is the most best secretary in the world because I don't know where she gets her information but obviously she's not doing it on her own and she's telling me that they were going to be there yesterday, so-- "

Supervisor Villella: "The surveyor."

Ann Frische: "The surveyor, right. Mr. Villella, is this going to take another year and a half for me to have proper drains on Remsen Road?"

Supervisor Villella: "It shouldn't have taken that long. We just did the drainage bond this past month."

Ann Frische: "Mr. Villella, I saw drains all the way coming here, right in the street where they belong on Remsen Road. How come mine weren't done a year and a half ago? The bond issue must have

done those drains. How come mine aren't done?"

Supervisor Villella: "There wasn't any money in the bond issue and we went out to rebond. We had \$3,000,000 going into the drainage bond issue."

Ann Frische: "And, and also that \$3,000,000 bought that house on Cliff Road to make a sump in February when we had our meeting together."

Supervisor Villella: "That came from a different-- that didn't come from-- I really don't know where those funds came from for that house, the Cliff Road house. Is that what you're talking about? Cliff Road West."

Ann Frische: "The house? You don't know where those funds came from and the sump that's going to be put there to protect those people's houses?"

Supervisor Villella: "That's coming from the drainage. That's why we waited so long. Now that we have that in place-- "

Ann Frische: "Now, my drainage problems should cost \$5,000 or \$10,000. That's \$200,000."

Councilman Kent: "Actually, the estimate is about \$13,000 or \$14,000."

Supervisor Villella: "\$13,000 we got for your estimate."

Ann Frische: "If you're looking at the same estimate from a year and a half ago, it might be \$13,000. Is that correct? Was that the same estimate that I sent the Board members? I sent a registered letter to each of the Board members. Mr. Kwasna, did you get a registered letter from me right after the meeting on July 20th?"

Councilman Kwasna: "On July 20th?"

Ann Frische: "Yes. I sent a registered letter to each of the Board members and I sent a survey from a year and a half ago and I was wondering if that was the same survey you were looking at."

Councilman Kent: "I don't know if you sent us a survey. What I believe you sent us was-- "

Ann Frische: "A copy of the survey from March of 1998 to each of you."

Councilman Kwasna: "It was an elevation; it wasn't a survey."

Supervisor Villella: "Yes. She had-- "

Councilman Kent: "No, it was a plan. It was not a survey."

Councilman Kwasna: "It was a plan of what to do."

Councilman Kent: "What we're-- the reason we're calling for a survey is because I think one of your issues that you had raised on July 20th was whether these drains were going to be located on your property or on town property. And what we-- we called for a survey because we wanted to know exactly where the line of the town property is. Quite often it's not where the pavement ends that is the town property. Sometimes the town property goes beyond the pavement. But we want to be very sure in your situation because of the issues you raised on July 20th, we want to know exactly where the Town property ends and your property begins."

Ann Frische: "The fact is again I will say it one more time. They have to be in the street? I don't care who owns the property. Just like I look all the way coming here tonight to Riverhead. They have to be in the street-- "

Supervisor Villella: "The water mains are three feet out."

Councilman Kent: "We're going to depend-- "

Ann Frische: "-- so the Highway Department can do their job. I'm going to apologize to the Highway Department. I don't mean the men aren't doing their job. They are not allowed to do their job because they can't get into the drain that they put in three years ago."

Councilman Kent: "We believe that the drains that were put in were probably not the appropriate drains and I will admit that. They have designed a separate thing. But we're going to depend upon engineers to design the drainage and I'm not going to tell you that the drains should be in the road or on the side of the road because I'm not an engineer and if the engineers tell us that the appropriate place for these drains is to be on the side of the road with the drain

inlet cut into a curb, I'm going to believe them. Unless they can-- unless there's somebody else that's going to tell me that that's an improper design."

Ann Frische: "Okay."

Supervisor Villella: "Ann, we have the engineer and the surveyor to do it until we do it right and we're trying to help you with that."

Ann Frische: "Well, I thought a year and a half ago you were trying to help me and I'm thinking that's a long, long time ago."

Supervisor Villella: "It's a very long time, Ann. And the reason why, like I said just five minutes ago. We had no money in the bonds. Drainage. Now we do."

Ann Frische: "I just don't understand how you find money for what other projects are being done on the roads."

Supervisor Villella: "We haven't done-- we haven't done drainage."

Ann Frische: "There are so many drains on the roads coming here from Wading River-- "

Supervisor Villella: "They haven't been done in my-- our time yet."

Ann Frische: "They are brand new. They are brand new. I can take a-- "

Supervisor Villella: "The developers do it."

Ann Frische: "The developers do it? I don't think so; there's no development there."

Councilman Kwasna: "What street are you talking about?"

Supervisor Villella: "What street-- "

Ann Frische: "I'm talking all the way coming here, on 25."

Councilman Kwasna: "That's not a town road."

Supervisor Villella: "That's not us. That's the state. You're absolutely right. They just did them."

Councilman Kwasna: "None of those roads are ours."

Supervisor Villella: "You're absolutely right. They did a whole bunch of them, the state. The town hasn't done any-- "

Ann Frische: "Okay, on Sylvan Drive, then-- on Sylvan Drive and North Wading River Road there's one in the street. Was that the town? Isn't that a town road?"

Supervisor Villella: "A town road and the developer put-- is that the village? Is that the village?"

Ann Frische: "No, no, no. This is an old area."

Supervisor Villella: "Across the street, the village. I know they put in one-- three drains on the road."

Ann Frische: "Well, that's the village. I'm going to tell you. It's a horror. They already had drainage problems there because I don't know who told them how to put them inside, but they're not working either."

Supervisor Villella: "They're not because they're too far in."

Ann Frische: "Three hours of rain. Three hours of rain. People couldn't get past that."

Supervisor Villella: "Couldn't get past anywhere. You're absolutely right. It was a mess."

Ann Frische: "Well, you know, if the job was done right, it would be passable."

Supervisor Villella: "You're right, Ann."

Ann Frische: "Well, you know what, Vinny? I'm so happy you're telling me I've been right for the last year and a half."

Supervisor Villella: "You have."

Ann Frische: "I would like to see action now."

Supervisor Villella: "The action is the plan that we had, what they're going to give us, Ann, and you're going to be there and that's it. What else can I say? I'm sorry it couldn't be done sooner. There was-- I didn't know-- at that time there was no money in the drainage bond. And we haven't done any drainage in this town until just recently."

Councilman Kwasna: "Just now, the past month."

Supervisor Villella: "Do you think I'm happy about that with all the problems that we had calling in here? We're taking care of the problems now. That's all I can say, Ann."

Ann Frische: "And was those people's houses destroyed like mine has been all these years?"

Supervisor Villella: "Probably worse. Probably worse. Yes."

Ann Frische: "Probably worse?"

Supervisor Villella: "Yes."

Ann Frische: "Well, I hope anyone who hears this broadcast comes to the next meeting and let's me know how much worse. Thank you all."

Supervisor Villella: "Thank you, Ann. Anybody else? I don't have any other cards. Is there any other cards out there? If not, we'll-- Lauren."

Lauren Kratoville: "I'm a little shorter than most. Good evening. My name is Lauren Kratoville. I live in Aquebogue and I'd like to address a question if I may to Councilman Lull. I believe you're on the Personnel Committee."

Councilman Lull: "Correct."

Lauren Kratoville: "I had seen a posting recently in Town Hall dated July 29, 1999 stating that a vacancy exists in the position of account clerk typist. I noticed that erroneously there was no department on that. What department would that posting be for?"

Councilman Lull: "The 29th?"

Lauren Kratoville: "This past Thursday."

Councilman Lull: "Account clerk-- Accounting Department."

Lauren Kratoville: "Accounting Department. And is there a reason that perhaps it wasn't listed on that sheet that it wasn't the Accounting Department?"

Councilman Lull: "I don't know. I did not see the posting but no particular reason."

Lauren Kratoville: "Did it-- was it discussed with the Personnel Committee as far as putting that posting up?"

Councilman Lull: "No. There has been no discussion and there has been no interviews."

Supervisor Villella: "The Planning Department and-- "

Councilman Lull: "No, we posted for the Accounting Department."

Supervisor Villella: "I know we posted for-- I just signed-- "

Councilman Lull: "We did Planning and Building-- we talked about at the last meeting."

Supervisor Villella: "The Assessor's Office we have someone to replace."

Lauren Kratoville: "Well, this one unfortunately doesn't state what office it is so, you know, there's no way anybody has of knowing the office that the Account Clerk Typist position is in."

Councilman Kent: "We'll have to look into that. I'm not aware that the posting was even done, but I'll take a look-- I'll look into it."

Lauren Kratoville: "So there's a posting out since last Thursday, nobody knows what department it's for?"

Supervisor Villella: "I know what departments we're asking for. We did the Planning; we did the Building. We have the Assessors."

Lauren Kratoville: "But it's only one posting for a position."

It's a posting for a position so you put out a posting for one position?"

Supervisor Villella: "So it's the Assessor's. That's the only one that's left because the other two were filled tonight."

Lauren Kratoville: "In the Assessor's Department?"

Supervisor Villella: "Yes."

Councilman Kent: "That would be the Assessment Clerk."

Supervisor Villella: "Oh, Assessment Clerk, I'm sorry. No, that's the Assessment Clerk."

Lauren Kratoville: "Okay. This one was for Account Clerk Typist with no department listed."

Barbara Grattan: "Lauren, it is posted in the Town Clerk's Office and it does not list what office it is in."

Lauren Kratoville: "That-- I've seen it in a number of offices and it doesn't list what office it was in and I was trying to find out from the Personnel Committee or any member of the Board at this point actually what department is that in. That there is a vacancy as Account Clerk Typist."

Supervisor Villella: "I have no idea."

Lauren Kratoville: "Nobody knows."

Councilman Lull: "The Personnel Committee would be dealing with it when we get to interviews."

Supervisor Villella: "Is Jack here?"

Lauren Kratoville: "Who would have done the posting then and who would have authorized the posting if the Town Board didn't authorize the posting?"

Councilman Kent: "I don't know, did we-- is there a resolution authorizing that one, Barbara?"

Supervisor Villella: "No, there's no resolution."

Councilman Kent: "The posting of this Account Clerk Typist position."

Lauren Kratoville: "From what I understand from an internal posting, it's usually recommended by the Personnel Committee after a department head states that there is need for another-- "

Councilman Kent: "Well, then this one must have-- might have been done improperly because I don't believe the Personnel Committee recommended the posting of any position."

Councilman Lull: "No, we did not."

Lauren Kratoville: "Okay, then if there is a vacancy that does exist, it would be reposted with the departments stated as to what position it would be."

Councilman Kent: "It will have to be reposted properly. If it was posted improperly, it will have to be done properly."

Lauren Kratoville: "Okay. Very good. Thank you very much."

Supervisor Villella: "Sal?"

Sal Mastropolo: "Sal Mastropolo, Calverton. I have a question. You added a resolution tonight, 708, okay. You withdrew 708 which was published and you put another one in about Broad Cove."

Councilman Kent: "Right."

Sal Mastropolo: "I have no position whatsoever on Broad Cove and what you're going to do. But my question is, how could we sit here and understand a resolution when it's not publicized before time, number one, and number two, how do you decide what's a resolution and what's a public hearing? I would think that something like Broad Cove should be a public hearing."

Supervisor Villella: "Yes, but it has nothing to do with us, Sal."

Sal Mastropolo: "Well, that's what I'm asking. How do you decide what becomes a subject for a resolution versus a subject for a public hearing?"

Councilman Kent: "Public hearings are usually required by law, by some type of statute, when we're amending a code, or we're authorizing the acquisition of property or we're authorizing the expenditures of large sums of money."

Sal Mastropolo: "Well, aren't you authorizing the expenditure of money on Broad Cove?"

Councilman Kent: "No, we're not, not yet. No. This will be subject to a subsequent public hearing when we actually authorize the expenditures of money. All we've done here is expressed our intent to be considered as the sponsor if the county is successful in negotiating the acquisition of property at Broad Cove."

Sal Mastropolo: "Okay. So no commitment was made tonight relative to the expenditure of money on Broad Cove?"

Councilman Kent: "No."

Supervisor Villella: "No. As a matter of fact, Sal, let me just explain the whole situation. Today was the deadline to do this according to Mike Caracciolo (phonetic), the legislator. He needed this resolution. He's the one that added that one sentence-- paragraph on the bottom. He has to go in front of his committee at the end of this week to authorize the county to go ahead and purchase-- try and purchase the property and that's why it had to be done this way.

They needed a sponsor. I says sure, we'll be a sponsor but not for the type things that they wanted. The environmentalists don't want it, and we really don't need it. So Chris came up with this plan. They like it. They think it's great so we're going forward. We hope they can purchase the property. They're paying-- it's 100% their payment. Rec fees or whatever for the amphitheater and the parks, yes, that will be a public hearing later on."

Councilman Kent: "Not necessarily actually. If we approve-- if the Recreation Advisory Committee we approve the funding of the construction of the passive recreational use, through those monies, those are not taxpayers monies, then I think would be subject to a public hearing. We may do one just for information purposes-- "

Supervisor Villella: "To let you know what's going on."

Councilman Kent: "But it's not-- it wouldn't be a required public hearing."

Councilman Lull: "It would be a little bit different, Chris, and probably we would do it because we would be constructing something on somebody else's property and it would be-- "

Councilman Kent: "And we'd have to do something with the county. I don't know, you know, we have to look into that a little more. But I don't know if that would be actually subject to a public-required public hearing. We may do one. We've done them before by the way in the last year and a half. We've had public hearings when they haven't been required for the public's benefit."

Supervisor Villella: "We just want to get the information out there."

Sal Mastropolo: "It just seemed that it was an important subject but it was ushered in at the last minute and nobody in the audience had a chance to read about it and it didn't even come across clear the way you read the resolution because I didn't know exactly what was approved and what wasn't approved."

Councilman Kent: "Well, we actually discussed it prior to it being introduced. We discussed it during the public portion on discussion of resolutions."

Sal Mastropolo: "Yeah, there was talk about taking some duck farm and making it a county park and the town doing something. And-- "

Councilman Kent: "I think we were a little more specific than that."

Sal Mastropolo: "You specifically said the town would spend some money, okay, and there was some concern about spending the money on something that was going to become county property."

Supervisor Villella: "Right. Phil came up with that."

Sal Mastropolo: "Okay. So-- "

Supervisor Villella: "You're right, Sal."

Sal Mastropolo: "So it was discussed but it wasn't very clear, at least to me in the audience."

Supervisor Villella: "Well, it's fine that we clarify it. There's no problem with that."

Sal Mastropolo: "No. I'm just saying I'm trying to understand the process and how late something can be put on the agenda for tonight and is there any way of letting us see it before it just gets added on the table at the last minute."

Supervisor Villella: "Well, the county is the one that's going to be in charge of the whole situation."

Sal Mastropolo: "No, no. I'm talking about the process of adding a last minute resolution."

Supervisor Villella: "Okay, I thought you meant on this particular one."

Councilman Kent: "Well, this one probably was done with some necessity because the county told us today-- actually they told us Friday, that-- actually yesterday, excuse me-- that it was very important that we get it done tonight. Originally we spoke about this-- we've been talking about this for a few months by the way. I don't know if you followed it in the papers at all. This discussion on Broad Cove and county acquisition and who would sponsor the recreational uses has been discussed in Town Board work sessions and in the paper for about the last two or three months.

But as far as this resolution, it was discussed yesterday at the work session. We thought we would be able to do it on the 17th of August but then we were told by the county that it had to be done by tonight. So that's why it was a last minute."

Sal Mastropolo: "Okay. Thank you."

Supervisor Villella: "Next speaker. Yes, please."

Susan Kraney: "My name is Susan Kraney. I'm from Riverhead."

Councilman Kent: "Could you please pull that microphone on your left down, please?"

Susan Kraney: "My name is Susan Kraney, likes nooks and crannies, from Riverhead. I'd like to bring to your attention. We're having a problem with the animals. It's (inaudible) to the point where Sunday I had to have the police involved because I was threatened. We've been working with the police because I live in the back of the greens and they're fighting, the pit bulls and everything else and the police cannot do anything. And since Alex left there's been a controversy, a standstill, I'm hitting a wall.

We even tried to contact Cablevision to see if they could help us with the situation with the animals and so on and so forth and, again, I'm getting (inaudible) with the system because there's nobody there to work with like there was when Alex was there.

But my problem is-- "

Supervisor Villella: "Alex did do a very good job. It's a shame that he left."

Susan Kraney: "Well, being a veterinarian technician there was a controversy with the Parvo. He maybe jumped the thing but that's my personal opinion. What I want to go on record is Sunday, when the policemen came, and they know I was frightened because I live with crackheads in my area and with pit bulls and everything else, the rottweilers and so on and so forth, they told me there was nothing they could do. It has to do with animal control and meanwhile nobody was there.

Now, I'm involved-- a personal friend of mine was raped and murdered over in Riverhead with this trial, and I particularly stayed home because of the controversy with what LaValle is doing, waiting for a phone call because this dog is malnourished and is abused, not inoculated. It was-- I called animal control about this, hoping that they would come and do something because it wasn't vaccinated. Again, I got no response. I stayed home all day Monday waiting for someone to contact me. He told me I was (inaudible) everything, that somebody would contact me because there was nobody down there Sunday. A Lewis or something was supposed to be there but they said he wasn't there. I got nothing.

Now, the trial is just finishing up. They just made a thing with what LaValle's doing. As soon as that's finished, I want something to be done. They're fighting. They're constantly fighting those dogs. We allow the cops to come in because they do a lot of drug busting

there. It's a mess in there. But I mean you hear these dogs crying, you see them hanging the pit bulls from the trees to build up their muscles so when they fight-- "

Supervisor Villella: "Where is this at? What house?"

Susan Kraney: "Right across from Cablevision."

Supervisor Villella: "No, no, not now. Not now. After-- "

Susan Kraney: "I'm right across from Cablevision."

Supervisor Villella: "No, no, no. Don't even mention that. We're on TV."

Councilman Kent: "We'll talk privately about the location."

Susan Kraney: "What are you asking me?"

Councilman Kent: "We would like to talk to you in private."

Susan Kraney: "Okay. Well, I just want something to be done about with these animals."

Supervisor Villella: "That's why we want to talk to you about the situation."

Councilman Kent: "Okay."

Susan Kraney: "Thank you."

Councilman Kent: "Thank you."

Supervisor Villella: "As a matter of fact, can we do that? Are you going to stay? You can go out in the hall-- "

Councilman Kent: "Joe Grattan."

Supervisor Villella: "Joe Grattan's here."

Councilman Kent: "No, no, no. We want it to be done privately. The police investigation should be--"

Supervisor Villella: "We did take away one of those pit bulls

two months, that red house. I personally had someone come down and take it out because it was-- "

Susan Kraney: "You know what? They just got another litter in there except now they've got rottweilers."

Supervisor Villella: "The same house? The red one? Okay, forget about it. We shouldn't be saying it here."

Susan Kraney: "Okay."

Supervisor Villella: "Okay, I'm sorry. It upsets me, too. But anyone else want to speak? You have to come up here."

Vicky Stachino: "I'm not really familiar with this woman's situation. My name is Vicky Stachino, I'm a weekend volunteer up at the shelter. I was up there all day Sunday and any call that came through was answered so I don't know whether this went to the police department and didn't make it-- "

Susan Kraney: "Yes, they came out (inaudible)."

Vicky Stachino: "We were there all weekend."

Councilman Kent: "Excuse me, Vicky. I'm not trying to-- but you shouldn't engage in conversation with somebody in the audience."

Supervisor Villella: "You have to talk to us."

Councilman Kent: "And you can talk to her privately outside."

Vicky Stachino: "Okay. All right. The shelter was staffed from 8:30 in the morning on Sunday, you know, until 4:30 in the afternoon. I just wanted to make that clear. I was there myself and so was-- "

Supervisor Villella: "Okay, we'll talk about this. The idea is, there's a problem, let's see if we can fix the problem. That's the bottom line. That's all I care about is fixing the problem."

Vicky Stachino: "Thank you."

Councilman Kent: "And the final word."

Supervisor Villella: "George."

Councilman Kent: "He's going to have his own show on Cablevision called the final word."

George Schmelzer: "Yeah, I think you're a bunch of socialists. Destroy Broad Cove."

Councilman Kent: "Destroy it?"

George Schmelzer: "That's a good piece of land, pay high taxes. Good houses and more than pay their way in school taxes. I don't know-- I don't understand you people."

Councilman Cardinale: "Let me say something, George, that may help you out. We cannot-- I-- you know that I have sentiments to some degree similar to your own as far as having the government stay out of people's business and also respecting private property rights. On the other hand, it seems the county is going to do this. We're not. They're going to-- they have a right to buy property and if they buy it the only real question is who is going to be their co-sponsor in this program in regard to the maintenance of that site. You know, whether there's going to be parkland passive use or parkland more active use. So we're really kind of in a position we don't have an alternative. If they want to buy this and the seller wants to sell it, that's the end of the story. We cannot stop the county from purchasing this property. Even if we wanted to."

George Schmelzer: "What do you need this resolution for then?"

Councilman Cardinale: "The resolution says that look it, if you are going to do this, we will act as your-- as a sponsor to the extent of preserving and maintaining the passive use of the additional parkland you're buying. We're not going to pay for it; we're not going to pay for the land. You're paying for the land. If we do not do this, they can pick any other not-for-profit entity and they would be the sponsor and that would be in my view a worse situation than what we have."

So I agree with you that I'm not going-- I don't think the town would be out there buying Broad Cove. But since the county is committed to do this for whatever their thinking, I believe this alternative is better than letting a not-for-profit group and the county handle the situation. At least the town is a participant in

this manner."

George Schmelzer: "What's the matter with a private developer?"

Councilman Cardinale: "I like private development."

George Schmelzer: "Well your regulations and (inaudible) having made it impossible for anybody to use it."

Councilman Cardinale: "Well, it has to be a balancing between the public and private interest and in this case the county has determined that they want to expand their park and either they do it without us or they do it with us. That's the way I look at this situation."

Councilman Kent: "It's better with us. Then we have some control."

George Schmelzer: "Tell them to go to the north side of Peconic Bay Blvd. Take some of that and put some activity there. See how they like it on the south side."

Councilman Kent: "Right across from Phil's house."

Councilman Cardinale: "The south side you mean."

George Schmelzer: "No, the south side is houses. Go on the north side, a lot of vacant land there. Give them some of their own medicine. Also maybe take some around Belle Terre, maybe. How would that be? Where LaValle lives."

Councilman Cardinale: "You've got a great sense of humor. Yes, that's where Catterson lives, too. The district attorney."

George Schmelzer: "Well-- "

Supervisor Villella: "Don't forget your maps, George."

George Schmelzer: "Mahoney live there? I ain't started on that yet. Wait a minute. Okay. What's going on-- you've been trying to get maps for four months now. Who's stopping you?"

Councilman Cardinale: "Are you talking about Route 58?"

George Schmelzer: "Yes."

Supervisor Villella: "You know why. The county did a contract with an outside house in Pennsylvania. We can't get to first base with them. You got them right away. Look at that."

George Schmelzer: "Anybody trying-- I got somebody else right away."

Supervisor Villella: "I know you did."

George Schmelzer: "So what's going on?"

Supervisor Villella: "You're going to have to sit on your committee one day."

Councilman Cardinale: "Lou Cork (phonetic) who is my co-chair is in the audience and if you-- at this moment, frankly the maps are not critical to our work. But if you have access to the maps, Lou would be glad to talk with you and work with you to get them to our committee."

George Schmelzer: "I thought-- pardon me, I thought our legislator was going to help."

Councilman Cardinale: "No. The legislator did not say he would help. What he said was he wanted the town of Riverhead to advise him as to what the position of the town was on Route 58 before he would do anything to help us in regard to the congestion on that road. That's what Legislator Carraciolla's (phonetic) position is."

George Schmelzer: "What did you advise him nothing or he didn't listen-- hard of hearing or what?"

Councilman Cardinale: "Well we haven't-- in fairness to him, we have not given-- formally advised him as the position of the Town of Riverhead in regard to 58."

George Schmelzer: "Why not?"

Councilman Cardinale: "Because we don't know what the town's position is yet. That's what the purpose of the committee is. The purpose of the committee is to make a recommendation to the Town Board and then the Town Board will make a decision."

Supervisor Villella: "Are you working with the master plan, too?"

Councilman Kent: "Yes."

Councilman Cardinale: "The master plan is also considering this but they are going to be considering a lot of things for two years."

George Schmelzer: "This is nutty. I've got-- "

Supervisor Villella: "You should be right in the middle of them."

George Schmelzer: "Pardon me?"

Councilman Kent: "George doesn't work well in groups because he's autocratic."

George Schmelzer: "Autocratic? No, you're autocratic, not me. I think you're a bunch of dedicated socialists because you ruin the country. Any way, I have these maps. Vinny, I gave you a small map, 9 by 9 inches a week ago. I asked the guy if he could enlarge them. I said try to make it 660 feet to the inch-- "

Supervisor Villella: "I got them."

George Schmelzer: "Because-- no, you don't have them. I have them right here."

Supervisor Villella: "No. I've got some in the office. He made a big-- but not like the way you have it though."

George Schmelzer: "I've got big ones. 660 feet to the inch which means that every square inch on the (inaudible) is 10 acres. They're hard to get and hard to fit in there."

Supervisor Villella: "You knew you had the connection to get it, that's why. Yeah, you got it just like that."

George Schmelzer: "No. Anybody can go down there."

Supervisor Villella: "All right. That's something we're going to have to do at a-- we can't do it tonight, George, but I want you to sit in on a meeting."

George Schmelzer: "Well, it only takes a minute."

Councilman Kent: "But if this is your last thing, you can do it."

Supervisor Villella: "You need any help with that, George? Spread it out or what? George, you have to come to a-- it's not for Town Board. We'll get that at a work session."

George Schmelzer: "I'm going to lend it to you. Ain't going to give it to you, lend it to you."

Councilman Kent: "I think we'll have to adjourn to the lobby."

Supervisor Villella: "George, you've got the smile."

Councilman Kent: "Vinny is stepping down. Okay, George, I think you'll have to adjourn to the Supervisor's office to show him those maps. Are there any other speakers?"

Is there anybody else who would wish to speak at this point while they're wrestling with the map holder there?"

Councilman Cardinale: "If there are no other speakers, on behalf of the Supervisor, I declare the meeting concluded."

Meeting adjourned: 9:30 p.m.

Barbara Heaton
Town Clerk